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REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS*, PAGE 1446.

VOLUME 17 NUMBER 11
June 3, 1985 Indexed 17 N.J.R. 1359-1460
(Includes rules filed through May 13, 1985)

* *The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State Agency rule changes, see the Register Index of Rule Proposals and Adoptions in this issue.*

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RULE PROPOSALS

Interested persons may submit, in writing, information or arguments concerning any of the following proposals until **July 3, 1985**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice.

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Separations and Demotions Suspension, Fine and Demotion for Disciplinary Purposes

Proposed Amendment: N.J.A.C. 4:1-16.7

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner, Department of Civil Service.

Authority: N.J.S.A. 11:2A-1, 11:5-1, 11:26-1 and 11:15-6.

Proposal Number: PRN 1985-293.

A **public hearing** concerning this proposal will be held on June 19, 1985 at 9:30 A.M. in the Civil Service Commission Room, at 215 East State Street, Trenton, New Jersey. Please contact Ms. Dolores Carvill at (609) 292-6568 if you plan to attend and wish to be included on the list of speakers.

Submit comments by July 3, 1985 to:
Peter J. Calderone
Assistant Commissioner
Department of Civil Service
CN 312
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Current N.J.A.C. 4:1-16.7 is being amended so that an employee, subject to payment of a fine, shall not find such payment unduly burdensome. Accordingly, the fined employee has the option of making a lump sum payment or making such payment on a scheduled basis, predicated on the amount of the fine and on the percentage of the fined employee's salary.

Thus, for a fine under \$500.00, an installment payment may be no more than 10 percent of gross salary; between \$500.00 to \$1,000, 15 percent of gross salary; over \$1,000, 20 percent of gross salary.

Social Impact

The proposed amendment is expected to have a positive social impact since it will allow for flexibility in fine payments and will not result in an undue burden for the fined employee.

Economic Impact

The proposed amendment will not have any overall appreciable economic impact. However, it is intended to have a favorable impact to the fined employee who presently finds lump sum fine payments and/or 100 percent salary deductions an undue burden.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

4:1-16.7 Suspension, fine and demotion for disciplinary purposes

(a) An appointing authority may suspend without pay or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination or for other sufficient cause; however:

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

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The New Jersey Register (ISSN 0300-6069) is published the first and third Monday of each month by Administrative Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$75 (\$150 by First Class Mail); back issues when available, \$8 each. Make checks payable to Administrative Publications.

POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Second Class Postage paid in Trenton, New Jersey and additional mailing offices.

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PROPOSALS

Interested Persons see Inside Front Cover

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1. An employee who shall be suspended, fined or demoted more than five days at one time shall be served with written charges and have the right to appeal to the Civil Service Commission;

2. An employee who shall be suspended, fined or demoted more than three times in any one year (one year being from the date of the first suspension, fine or demotion to one year therefrom) or for a period of more than fifteen days in the aggregate in any one year shall be served with written charges and have the right to appeal the latest disciplinary action to the Civil Service Commission;

3. The Commission shall have the power to revoke or modify that action of the appointing authority, except that removal from service shall not be substituted for a lesser penalty;

4. The appointing authority shall notify the employee and the Department of Civil Service of the reasons for the suspension, fine or demotion regardless of the extent or duration of the disciplinary action;

5. No suspension shall exceed six months;

6. An employee may pay a fine in a lump sum or through installments. Unless otherwise agreed to by the employee, an installment may not be more than 10 percent of the gross salary per pay period for a fine under \$500.00; 15 percent of gross salary per pay period for a fine between \$500.00 and \$1,000; or 20 percent of gross salary per pay period for a fine over \$1,000.

(b) In State service any disciplinary suspension, fine or demotion of less severity than those from which appeal may be made to the Commission may be the subject of a grievance within the departmental grievance procedures as provided in accordance with N.J.A.C. 4:1-23.

EDUCATION

STATE BOARD OF EDUCATION

Proposals numbered PRN 1985-316, 317 and 318 are authorized by the State Board of Education, Saul Cooperman, Secretary.

Submit comments by July 3, 1985 to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

(a)

Bookkeeping and Accounting Local School Districts

Proposed Readoption with Amendments:

N.J.A.C. 6:20-2

Authority: N.J.S.A. 18A:4-15, 18A:4-14, 18A:7A-19, 18A:7A-26, 18A:18A-5, 18A:19-13, 18A:22-8, 18A:29-3, 18A:33-3 and 52:14-15.9(e).

Proposal Number: 1985-318.

The agency proposal follows:

Summary

Under the provisions of Executive Order No. 66(1978), which provides for the expiration of amended or new rules within five years, N.J.A.C. 6:20-2, Bookkeeping and Accounting in Local School Districts, will expire September 1, 1985, unless readopted.

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-15 and 18A:4-14, 18A:7A-19, 18A:7A-26, 18A:18A-5, 18A:19-13, 18A:22-8, 18A:29-3, 18A:33-3 and 52:14-15.9(e), proposes to readopt N.J.A.C. 6:20-2 with amendments. This subchapter was originally adopted in June, 1955. It was subsequently amended in December, 1977, September and October, 1980, September, 1981, June, 1982 and November, 1983. A review of the existing rules and the proposed amendments follows:

N.J.A.C. 6:20-2.1, Prescribed system of bookkeeping was adopted pursuant to the authority of N.J.S.A. 18A:4-14 which requires the State Board of Education to "prescribe a uniform and simple system of bookkeeping for use in all school districts." It establishes the purpose of the prescribed bookkeeping and accounting system and provides that the system will be comprised of three major parts: records of receipt and expenditure accounts, detailed budget and cost distribution records, and a schedule of physical property.

The changes in subsection (a) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.2, Records of receipt and expenditure accounts was also adopted pursuant to the authority of N.J.S.A. 18A:4-14. It designates the major and necessary supplementary accounts which must be established to determine the financial condition of a district board of education. In addition, it lists the classifications for the forms which must be prepared by the Commissioner of Education for use in district boards of education.

The changes in subsection (b) are proposed to clearly establish that there are only three major accounts which correspond with the tax levies certified by district boards of education.

The changes in subsections (a) and (c) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.3, Budget and cost distribution records were adopted pursuant to the authority of N.J.S.A. 18A:22-8 which prescribes the contents of a school district budget statement and permits the commissioner to provide for a program-oriented budget system. It requires that budget and cost distribution records be kept in a form prescribed by the Commissioner of Education. In addition, it lists the major classifications which form the "chart of accounts" and requires that the commissioner prepare the directions for any district board of education which may adopt a program-oriented budget system.

The change in subsection (a) is proposed to delete the requirement that the Commissioner of Education shall consider certain documents and handbooks when prescribing the form of the detailed budget and cost distribution records. This requirement is unnecessary, since New Jersey's system is not comparable to most other states.

The change in subsection (f) is proposed to delete the requirement that the Commissioner of Education report periodically on the number of districts that have adopted a program-oriented budget format. This report is no longer necessary since very few district boards of education in this State have adopted a program-oriented budget format and because the department is no longer actively encouraging district boards of education to adopt a program-oriented budget format.

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The changes in subsections (b), (c), (d) and (e) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.4, Physical property records were also adopted pursuant to the authority of N.J.S.A. 18A:4-14. It requires district boards of education to keep physical property records in a form prescribed by the Commissioner of Education.

The changes in both subsections (a) and (b) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.5, Accounting directions adopted pursuant to N.J.S.A. 18A:4-14, requires the Commissioner of Education to prepare directions and handbooks to be used by district board of education officials in keeping the prescribed bookkeeping and accounting system.

No change in text is proposed.

N.J.A.C. 6:20-2.6, Supplies and equipment were adopted pursuant to the authority of N.J.S.A. 18A:4-14, 18A:18A-5 and 18A:33-3. These statutes exempt food supplies from the competitive bidding requirements and permit district boards of education to purchase food supplies pursuant to rules established by the State Board of Education. It requires that the Commissioner of Education prescribe a list of articles to regard as supplies and equipment for accounting purposes, defines "food supplies" and establishes the method for purchasing food supplies.

The changes in subsections (a), (c) and (d) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.7, Bookkeeping and accounting forms were also adopted pursuant to the authority of N.J.S.A. 18A:4-14. It requires that the Commissioner of Education prepare and distribute the necessary forms for the bookkeeping and accounting system to all district boards of education without approved mechanical or electronic data processing bookkeeping systems.

The changes are proposed to clearly establish that electronic data processing systems are included in the exception and to correct technicalities of wording.

N.J.A.C. 6:20-2.8, Mechanical bookkeeping systems, established pursuant to N.J.S.A. 18A:4-14, requires all mechanical bookkeeping and electronic data processing systems used by district boards of education to be approved by the Commissioner of Education. District boards of education are also required to annually obtain a copy of an audit of the internal controls of a service company or agency providing electronic data processing bookkeeping services.

The changes in subsection (a) are minor changes to correct technicalities of wording.

Subsection (b) is a new subsection which is being proposed because auditors are required to give an opinion on the internal controls of a service company or agency providing electronic data processing bookkeeping services. This subsection is necessary to permit auditors to be able to meet this requirement.

N.J.A.C. 6:20-2.9, Employee organizational dues were adopted pursuant to the authority of N.J.S.A. 18A:4-14 and 52:14-15.9(e). It permits district boards of education to make payroll deductions for persons holding employment with a district board of education for bona fide employee organizations. In addition, it requires that all deductions be submitted to the designated employee organization.

The changes in subsections (a), (b) and (c) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.10, Petty cash fund was adopted pursuant to the authority of N.J.S.A. 18A:19-13 which permits district boards of education to establish petty cash funds in accord-

ance with rules of the State Board of Education. It provides for when a petty cash fund may be established, sets the requirements for the administration of petty cash funds and requires that all unused petty cash funds be returned to the depository at the close of each fiscal year.

The changes in subsections (b) and (c) are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.11, Summer payment plan was adopted pursuant to the authority of N.J.S.A. 18A:29-3 which permits a district board of education to establish a summer payment plan subject to rules of the State Board of Education. It requires that salaries withheld for a summer payment plan be deposited in a separate account and that withdrawals from the account shall be made by individual checks payable to the employees for which the salaries are withheld.

The changes are minor changes to correct technicalities of wording.

N.J.A.C. 6:20-2.12, Debt service State support was adopted pursuant to the authority of N.J.S.A. 18A:4-14 after the enactment of N.J.S.A. 18A:7A-19 and 18A:7A-26. It requires a district board of education receiving debt service state aid which is not needed to record such state aid as capital outlay revenue.

The changes are minor changes to correct technicalities of wording.

The Department of Education has submitted this proposal to the senior staff of the Department and to the Department's Administrative Code Review Committee, which includes representatives from the following individuals and associations for review and evaluation:

1. County Superintendents of Schools
2. New Jersey Association of School Administrators
3. New Jersey Association of School Business Officials
4. New Jersey Education Association
5. New Jersey Principals and Supervisors Association
6. New Jersey School Boards Association

It is necessary to retain this subchapter in order to comply with the statutory requirement in N.J.S.A. 18A:4-14 to have a "uniform and simple system of bookkeeping for use in all school districts." Such a system is critical to the operation and administration of a district board of education. Without an adequate set of financial records to indicate what has happened or is happening in a district board of education, decisions about the management of the school system and about governing would have to be based on memory or guesswork. With an adequate set of financial records summarizing the financial transactions and other activities of a district board of education, informed decisions can be made. Financial records must be developed and maintained on a consistent and systematic basis. Readoption of this subchapter is essential to maintain the integrity of the current prescribed bookkeeping and accounting system. Experience has led the Department to conclude that this subchapter is effective and indispensable to the operation and administration of this State's public school system.

Social Impact

Readoption of this subchapter, and adoption of the amendments will impact all district boards of education in this State.

The prescribed bookkeeping and accounting system permits district boards of education to provide financial information to many different groups, such as the board of education, school officials, residents, taxpayers, the business community and representatives of the State and Federal government. All of these groups need information about the financial operations of a district board of education.

Besides being important to these groups, a uniform and simple system of bookkeeping and accounting is invaluable to the people responsible for keeping the records in a district board of education. Systematic financial records summarize and bring into orderly arrangement the numerous and relatively unpredictable details of the day-by-day operations in a district board of education. The prescribed system of bookkeeping and accounting provides a basis for quick access to financial information which is critical when providing educational programs and services to children.

Historically, the reaction to this subchapter has been very positive and there is universal agreement that rules prescribing a uniform and simple system of bookkeeping are absolutely essential to the proper financial management of a district board of education.

These rules maintain the current prescribed bookkeeping and accounting system.

Economic Impact

Readoption of this subchapter, and adoption of the amendments will have an impact on the entire financial recordkeeping system for all district boards of education, since these rules will permit the current system to be maintained. These rules have a definite overall positive fiscal impact on district boards of education in this State, which will spend in excess of \$5.6 billion in the 1985-86 school year.

There will be no additional costs to district boards of education resulting from the readoption of this subchapter, with the possible exception of the new subsection in N.J.A.C. 6:20-2.8. It is likely that electronic data processing bookkeeping service companies or agencies will pass on the cost of obtaining an audit of the internal controls, at least in part, to district boards of education if no such audit is currently available. At the same time district boards of education will be saving on the cost which would be necessary if the school auditor had to perform such an audit in order to give an opinion on the internal controls of a service company or agency. It is not possible to predict such cost increases if they occur because they would depend upon the size of the service company or agency and the services being provided.

Readoption of this subchapter does not have any direct economic impact that would increase State aid expenditures.

From an economic standpoint, the real impact of this readoption would be the financial confusion that would result without a prescribed bookkeeping and accounting system. It would be impossible to make comparisons among district boards of education operations without similar financial information. Boards of education and school officials would have a difficult time making the informed decisions which are necessary for the effective operation of a school district.

Readoption of this subchapter promotes the sound financial management of a district board of education.

Full text of the readoption with amendments follows (additions shown in boldface **thus**; deletions shown in brackets [thus]).

6:20-2.1 Prescribed system of bookkeeping

(a) It shall be the purpose of the bookkeeping and accounting system prescribed herein to provide a sound plan of general accounts that will serve to safeguard the expenditure of public funds; effect proper budgetary control; establish uniformity in the classification of expenditures; and furnish adequate financial information for use of the public, the [local school] **district board of education** administration and the [C]commissioner [of Education].

(b) It shall be comprised of three major parts: records of receipt and expenditure accounts in accordance with recognized governmental accounting procedures; detailed budget and cost distribution records; and a schedule of physical property.

6:20-2.2 Records of receipt and expenditure accounts

(a) The records of receipt and expenditure accounts shall be set forth in sufficient detail to determine the financial condition of the [school] district **board of education** at any time.

(b) The major accounts shall be designated as follows:

1. Current expenses;
2. Capital outlay ([land] sites, buildings and equipment);
3. [Evening vocational schools];
4. Evening schools for foreign-born residents;
- 5.] Debt service (bonds, authorized notes and interest on same).

(c) The necessary supplementary accounts shall be provided for non-revenue receipts and expenditures as follows:

1. Reserve for unpaid orders;
2. Sale of permanent bonds to redeem temporary loan bonds;
3. Temporary loans;
4. Sinking funds to pay term bonds;
5. Clearing accounts.

(d) The forms to be prepared by the [C]commissioner [of Education] for use in [the local school] district[s] **boards of education** shall include but not be limited to the following classifications:

1. Appropriations;
2. Cash receipts;
3. Cash expenditures;
4. Contractual order;
5. Tuition ledger;
6. Bond register;
7. Extra-curricular activities;
8. Food services.

6:20-2.3 Budget and cost distribution records

(a) Detailed budget and cost distribution records shall be kept in the form prescribed by the [C]commissioner [of Education] to insure uniformity in the preparation of budgets and in the classification of costs in [the local school] district[s] **boards of education**. [The Commissioner in his determination of the forms to be prescribed shall give consideration to the definitions and recommendations contained in such documents as "The Common Core of State Educational Information" issued by the Office of Education of the United States Department of Health, Education and Welfare, and other handbooks issued or approved by the National Council of Chief State School Officers to promote common understanding of basic items and to make possible comparability of data among states.]

(b) The budget and cost distribution records shall include but not be limited to the following classifications and such other classifications and sub-items as the commissioner may prescribe:

1. Administration;
2. Instruction;
3. Attendance and health services;
4. **Pupil [T]transportation services**;
5. Operation of plant;
6. Maintenance of plant;
7. Fixed charges;
8. Sundry accounts:

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- i. Food services;
 - ii. Student-body activities;
 - iii. Community services;
 - iv. Special projects.
9. Capital outlay ([land] sites, buildings and equipment);
10. Debt service (bonds, authorized notes and interest on same);
- [11. Evening vocational schools;
12. Evening schools for foreign-born residents;
13. Junior colleges.]

(c) The commissioner shall prepare directions to be used by school officials in the preparation of a program-oriented budget which will relate appropriations to the goals and objectives of the district **board of education** as established pursuant to N.J.S.A. 18A:7A-1 et seq.

(d) District boards of education may adopt, by **district board of education** resolution, the approved program-oriented budget format.

(e) The budget and cost distribution records of all district[s] **boards of education which** [that] adopt a program-oriented system of budget preparation shall include, but not be limited to, the following classifications:

- 1. Regular [instructional programs] **instruction**;
- 2. Special [instructional programs] **instruction**;
- 3. Adult/continuing [instructional programs] **instruction**;
- 4. Other instruction;
- 5. Support services pupil;
- 6. Instructional staff [services];
- 7. General administration;
- 8. School administration;
- 9. Business/administrative;
- 10. Central [services];
- 11. Other support services;
- 12. Community services.

[(f) The Commissioner of Education shall report periodically, but not less than annually, to the State Board of Education on the number of districts that have adopted the approved program-oriented budget format, and the number of districts proceeding toward that end.]

6:20-2.4 Physical property records

(a) A record of the physical property of [the local] **a district board of education** shall be kept in the form prescribed by the commissioner.

(b) The physical property records shall include but not be limited to the following classifications:

- 1. Property records;
- 2. [Stock] **Inventory** records;
- 3. Register of insurance.

6:20-2.5 Accounting directions

The commissioner shall prepare directions to be used by school officials in keeping the bookkeeping and accounting system provided for in these rules and shall from time to time prepare, publish and distribute handbooks, materials or circulars for the guidance of school officials.

6:20-2.6 Supplies and equipment

(a) The [C]commissioner shall prescribe a list of articles to be regarded as supplies and equipment for accounting purposes.

(b) For the purpose of these rules, "food supplies" shall include only those supplies which are to be eaten or drunk and those substances which may enter into the composition of a food in the operation of a school cafeteria or in a home economics class.

(c) Public notification of method of purchase:

1. Whenever any **district** board of education elects to purchase food supplies pursuant to these rules, it shall adopt a policy stating what food supplies will be purchased without advertising for bids, designating a person or persons authorized to purchase food supplies, describing the procedure by which interested vendors may become eligible to submit quotations, and outlining the method by which the **district board of education** will solicit and accept quotations.

2. This policy shall be adopted before the opening of schools in September and shall be made known to the public.

(d) Specifications and quotations shall be as follows:

1. Definite and uniform specifications governing standards of quality shall be given to each eligible vendor from whom quotations are solicited.

2. Each time a purchase of food supplies is to be made, the person designated by the **district** board of education to purchase food supplies shall solicit quotations from interested, eligible vendors in the manner prescribed in the adopted **district board of education** policy. Quotations for fresh or frozen fruits, vegetables and meats need not be solicited more than once in any two-week period.

3. The food supplies on which quotations are obtained shall be purchased from the vendor giving the lowest quotation unless the person or persons designated by the **district** board of education to purchase food supplies can justify the purchase from one of the other vendors submitting a quotation; such justification, together with all quotations received, shall be in permanent record form, available to school officials, the **district** board of education and the [State] Department of Education for review and [/or] for audit for a minimum of three years.

4. Contingent upon approval of the **district** board of education in its adopted policy, the person or persons designated by the **district** board of education to purchase food supplies may purchase food supplies for any school cafeteria or home economics class to the extent of not more than \$250.00 in any month without soliciting quotations, provided a statement signed by the purchaser is filed with the invoice indicating the reason why quotations could not be obtained; such record shall also be retained for review and [/or] for audit.

(e) Subsection (d)1, 2 and 3 above shall not apply to food supplies purchased by advertising for bids.

6:20-2.7 Bookkeeping and accounting forms

The [C]commissioner shall prepare and distribute the necessary forms for the bookkeeping and accounting system except to those district[s] **boards of education** which have received approval for mechanical or electronic data processing bookkeeping systems.

6:20-2.8 Mechanical bookkeeping systems

(a) All [cards and forms used with] mechanical or **electronic data processing** bookkeeping systems to be [installed] used by [local] **district** boards of education shall be approved by the [C]commissioner prior to [the installation and purchase of such equipment] usage.

(b) **District boards of education which contract for electronic data processing bookkeeping services shall annually have an audit prepared of the internal controls of the service company or agency and maintain a copy of such audit on file or obtain a copy of an audit of the internal controls of the service company or agency and maintain a copy of such audit on file.**

6:20-2.9 Employee organizational dues

(a) Pursuant to provisions of N.J.S.A. 52:14-15.9(e), any person holding employment with a **district** board of education in this State may have deductions made from his compensation for the purpose of paying dues to a bona fide employee organization.

(b) Employees desiring payroll deductions of organizational dues should indicate, in writing, their choice of employee organization. Any such written authorization may be withdrawn at any time by filing a notice with the secretary of the **district** board of education, according to directions promulgated by the [C]ommissioner [of Education].

(c) Any secretary of [the] a **district** board of education making organizational payroll deductions shall submit to the designated employee organization all deductions made for such purposes.

6:20-2.10 Petty cash fund

(a) Pursuant to the provisions of N.J.S.A. 18A:19-13, a district board of education may establish on July 1 of each year, or as needed, an imprest petty cash fund or funds for the purpose of making immediate payments of comparatively small amounts.

(b) A district board of education establishing an imprest petty cash fund shall:

1. Indicate the amount or amounts authorized for each fund;
2. Set the maximum expenditure which may be made from each fund;
3. Designate an individual who will be responsible for the proper disposition of each fund;
4. Establish the minimum time period in which the designated person shall report to the **district board of education** on amounts disbursed from each fund; and
5. Approve a voucher prepared by the board secretary to replenish each fund.

(c) All unused **imprest** petty cash funds are to be returned to the depository at the close of each fiscal year.

6:20-2.11 Summer payment plan

Funds withheld from employees' salaries for the summer payment plan prescribed by N.J.S.A. 18A:29-3 shall be deposited in a separate account in a depository designated by the [local] **district** board of education, said account to be known as Board of Education of _____ Summer Payment Plan Account. Withdrawals from this account shall be made by individual checks payable to the order of employees for the amount withheld from their salaries during the school year. A payment list shall be certified by the president and secretary of the **district** board of education and delivered to the [custodian] **treasurer** of school moneys of the **district board of education**.

6:20-2.12 Debt service State support

In the budget year following the final payment of all school debt service if all or any part of the debt service funds which are to be made available to a **district** board of education for that budget year pursuant to N.J.S.A. 18A:7A-19 and 18A:7A-26 are not necessary for debt service purposes in that budget year, the **district** board of education [of the district] shall record such funds as capital outlay revenue to the **district board of education**.

(a)

Pupil Transportation Standards

**Proposed Readoption with Amendments:
N.J.A.C. 6:21-1**

Authority: N.J.S.A. 18A:4-15 and 18A:39-21.
Proposal Number: PRN 1985-316.

The agency proposal follows:

Summary

Under the provisions of Executive Order No. 66(1978), which provides for the expiration of amended or new rules within five years, N.J.A.C. 6:21-1, Pupil Transportation Standards, will expire September 1, 1985, unless readopted.

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-15 and 18A:39-21 proposes to readopt N.J.A.C. 6:21-1 with amendments.

The first standards adopted by the State Board of Education were published in 1932 and revised in 1935, 1937, 1939, 1948, 1953, 1959, 1962 and 1967.

The proposed amendments address a change in the Motor Vehicle and Traffic Laws (N.J.S.A. 39:4-130) governing accident reporting.

A review of the existing rules and proposed amendments follows:

N.J.A.C. 6:21-1.1 provides the basic provisions of pupil transportation. The proposed amendments delete the words "and regulations" from the title and include a new effective date of September 1, 1985. There are other minor changes to correct wording deficiencies.

N.J.A.C. 6:21-1.2, Accident reporting, proposes changes to improve the accident report system by including the principal of the receiving school as one of those to be notified in the event of an accident. These changes also include the new threshold when an accident must also be reported to the Division of Motor Vehicles. N.J.S.A. 39:4-130, which was amended in 1983, increases the property damage from \$200.00 to \$500.00 before the accident must be reported to the Division of Motor Vehicles and extends the time limits for reporting from five to ten days.

N.J.A.C. 6:21-1.3 defines remote. The origin of the mandatory mileage concept is based on decisions of former Commissioners of Education and State Boards of Education dating back to 1907. These decisions required transportation to be furnished where the school buildings were not "convenience of access" to the pupil. The final decision was adopt a rule which provides state aid to district boards of education transporting their elementary pupils who reside beyond two miles from their school of attendance and high school pupils who reside beyond two and one-half miles from their school of attendance. This rule has stood the test of time and should remain intact to guide districts in the determination of remote and the method to be used in measuring for remoteness. One minor technical change is proposed.

N.J.A.C. 6:21-1.4, Retirement of school buses permits the use of a school bus manufactured prior to April 1, 1977 for pupil transportation purposes for a period of time not to exceed the end of the 10th year from date of manufacture. For those school buses manufactured on or after April 1, 1977, they may be used for pupil transportation purposes until the end of the 12th year from date of manufacture. School buses of the transit type whose gross vehicle weight

EDUCATION**PROPOSALS**

(G.V.W.) exceeds 25,000 pounds may be used until they reach the end of their 20th year from date of manufacture. No changes are proposed in this section.

The Department of Education has submitted this proposal to the senior staff of the Department of Education and to the Department's Administrative Code Review Committee which includes representatives from the following individuals and associations for review and evaluation.

1. County Superintendents of Schools
2. New Jersey Association of School Administrators
3. New Jersey Association of School Business Officials
4. New Jersey Education Association
5. New Jersey Principals and Supervisors' Association
6. New Jersey School Boards Association

It is necessary to amend and retain these rules in order to protect the safety interests of each transported pupil.

If these rules were not amended and readopted, it could lead to a gap in the safety measures that are designed to protect transported pupils.

Social Impact

Readoption of this subchapter will impact on all of the district boards of education which provide transportation to any pupils under their jurisdiction. The readoption of these rules is intended to insure, to the greatest possible degree, the safety, welfare and well being of these pupils.

The rule governing the accident reporting system is designed to analyze and evaluate all school bus accidents. The statistics generated are translated into identified causes of these accidents. The analyzations of these accidents are then translated into bus driver training programs which are shared with bus drivers to help them reduce accidents.

The quality of transportation programs and operational activities have a direct impact on the protection of these transported pupils and the readoption of these standards will continue to provide that insurance.

Economic Impact

Readoption of this subchapter will not increase State or local expenditures.

The new amendment to reporting requirements should not require any additional costs to district boards of education nor to the State. School district personnel and State officials are presently complying with the other sections of the proposed readoption and find no reason to believe that costs will increase or decrease if these rules are continued.

Full text of the readoption with amendments follows (additions shown in boldface **thus**; deletions shown in brackets [thus]).

6:21-1.1 Rules [and regulations]

(a) Under the provisions of the New Jersey Statutes, the State Board of Education shall adopt and enforce rules [and regulations not inconsistent] **consistent** with law to cover the design and operation of all public school buses used in the transportation of pupils to and from school.

(b) The first standards adopted by the State Board of Education were published in 1932 and revised in 1935, 1937, 1939, 1948, 1953, 1959, [and] 1962, **and 1967**. This edition is revised in keeping with New Jersey law in an effort to provide standards [and regulations] to insure adequate and safe pupil transportation.

(c) The rules [and regulations] as herein prescribed and adopted by the State Board of Education are effective as of September 1, [1967] **1985**.

(d) Specifications for school buses and rules for transportation of public school pupils adopted by the State Board of Education, except as hereinafter provided, shall apply to all buses operated under contracts with **district** boards of education and to all district-owned buses.

6:21-1.2 Accident reporting

(a) Every school bus driver must [report] **immediately inform the principal of the receiving school following** an accident which involves an injury, death or property damage. He **or she** must [fill out a report in triplicate] **also complete the prescribed accident report in quadruplicate** and deliver it [immediately] **by the conclusion of the next working day** to the principal of the **receiving** school [providing the transportation]. The principal **shall retain one copy (white) and** shall forthwith transmit one copy [(white)] **(blue)** to the **district** board of education providing the transportation, one copy (yellow) to the county superintendent of schools and one copy (pink) to the State Department of Education, 225 West State Street, **CN 500**, Trenton, New Jersey 08625. The necessary forms are available at the office of the school principal or the county superintendent of schools.

(b) In addition to the above, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of [\$200.00] **\$500.00** shall within [five] **10** days after such accident forward a written report of the accident to the Bureau of Security Responsibility, Division of Motor Vehicle.s, 25 South Montgomery Street, Trenton, New Jersey[,] 08625.

(c) Each district board of education shall establish procedures to be followed by the school bus driver in the event of an emergency involving to and from school transportation and all extra curricular trips.

6:21-1.3 Remote defined

(a) The words "remote from the schoolhouse" shall mean beyond 2½ miles for high school pupils (grades 9 through 12) and beyond two miles for elementary pupils (grades kindergarten through [8] **eight**, except for pupils suffering from physical or organic defects. State aid for shorter distances for the sole reasons of traffic hazards should not be given, inasmuch as traffic hazards are a local responsibility.

(b) For the purpose of determining remoteness in connection with pupil transportation, measurement shall be made by the shortest route along public roadways or walkways from the entrance of the pupil's residence nearest such public roadway or walkway to the nearest public entrance of the assigned school.

6:21-1.4 Retirement of school buses

(a) School buses (Type I) manufactured prior to April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the 10th year from the date of manufacture, as noted on the vehicle registration or the end of the school year in which that date falls, whichever is later.

(b) School buses, as defined by the Code of Federal Regulations (49 CFR 571.3) and manufactured on or after April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be utilized for pupil transportation purposes beyond the end of the 12th year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later. Such buses, when used beyond the 10th year, shall have an annual in-depth inspection by the

Division of Motor Vehicles prior to the beginning of the school year.

(c) School buses of transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds shall not be used for pupil transportation purposes beyond the end of the 20th year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

(a)

High School Equivalency (State Issued Diploma for Adults)

Fees

Proposed Amendments: N.J.A.C. 6:30-1.4

Authority: N.J.S.A. 18A:4-15, 18A:48-1, 18A:50-12, 13 and 14, and 18A:7c-8.

Proposal Number: PRN 1985-317.

The agency proposal follows:

Summary

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-15, 18A:48-1, 18A:50-12, 13 and 14, and 18A:7C-8, proposes to amend N.J.A.C. 6:30-1.4 concerning the fees for taking the Test of General Educational Development (GED).

The State of New Jersey offers the GED test as an alternative route for adults to earn a high school diploma (N.J.A.C. 6:30-1.3(b)). The test is administered by 39 local testing centers throughout the State on contract with the Department of Education.

The rules under N.J.A.C. 6:30-1.4 establish the fees for individuals taking the GED test. In subsection (a), the proposed amendments will provide a process for setting fees and will increase the GED testing fee from \$10.00 for an initial test and from \$5.00 for a retest to a fee of not less than \$15.00. The proposed increase is necessitated for two reasons. First, the increased fee should prevent testing centers from withdrawing from the program due to inadequate funding to meet their expenses. One testing center has closed and eight more have indicated they will close within the next year unless funding is increased. Second, expenses for this program, which are to be supported by the fees, have increased. Unless a fee increase is forthcoming, the program will operate at a deficit in Fiscal Year 1986. The addition of an English fluency test by July, 1987, and an essay test by July, 1988, will require a fee increase to support these components. The cost of these testing programs cannot be established at this time since the instruments have not yet been identified. An amendment has been proposed in both subsections (a) and the new subsection (b) which allows the State Board of Education to change the fee by resolution. Such a change would require a minimum of 30 days between announcement and adoption. Other minor wording changes are also proposed in subsection (a).

A new subsection (b) is also proposed in anticipation of Test 4 (Reading) and Test 5 (Mathematics) of the GED test being approved as an equivalent test to the Minimum Basic Skills (MBS) test for adults enrolled in an adult high school. Rules adopted by the New Jersey State Board of Education in December 1984 would allow use of an equivalent test (N.J.A.C. 6:30-2.5(a)1). The proposed fee for this testing program will be not less than \$10.00.

The existing subsection (b) is recodified as subsection (c) and proposes to amend the issuance of a State high school diploma through means other than testing.

Social Impact

In Fiscal Year 1984, the GED testing centers administered more than 17,500 GED tests in English, Spanish and French, which assisted more than 10,000 adults to earn a high school diploma. The fee increase will provide adequate funding to allow the continuance and maintenance of a network of GED Testing Centers throughout the State.

Rutgers University recently surveyed adults 12 to 18 months after they received their high school diploma. The study showed that in addition to entering the job market, or getting a salary increase, twenty-nine percent of the study population had entered college, and thirty-one percent had entered job training programs. In addition to this, ninety-three percent of the participants felt they had improved their self esteem and sixty-one percent said they felt they could now set a better example for their children.

Economic Impact

The Rutgers study also found that of the adults surveyed who had recently received a high school diploma, forty-five percent had received a better job; twenty-nine percent had received a promotion; and twenty-eight percent had demonstrated improved job performance. Those employed at the time of the study report an average increase in take home pay of more than \$26.00 per week. In addition to this, fifty-eight percent of those surveyed who were unemployed, obtained employment.

The statistics reported above document the valuable service provided by the GED Testing Centers. However, the costs for the testing centers have risen, causing most of them to be incurring operating losses. Salary increases for testing examiners and support staff, greater costs for utilities (that is, heat, light, telephone), and the recent rise in postage rate, all have added to test center operating costs. The proposed fee increase will allow the continued operation of the GED testing program through increased payment for testing centers. Approximately two-thirds of the fee increase will be paid to testing centers.

Currently, there are thirty-six public access and three military based GED testing centers in New Jersey. The loss of as many as nine of these testing centers by the end of Fiscal Year 1986 would make it impossible for the remaining testing centers to serve those wishing to test. Compounding this problem could be the inability of many candidates, especially from urban areas who rely on public transportation, to get to the remaining testing centers. The positive effects of adults gaining high school diplomas as cited from the Rutgers University study could well disappear because of increasingly limited access and service levels of test centers.

Discussions with administrators from both instructional programs and testing centers has indicated that they do not anticipate that the requested fee increase will cause an undue economic hardship on the candidates. Many of these administrators indicated that they have developed mechanisms to pay the testing fees for needy candidates. This has also been established as an eligible payment under many of the Job Training Partnership Act (JTPA) contracts in the State.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

6:30-1.4 Fees

(a) Persons submitting application for a State high school diploma by examination **or reexamination** must pay [\$10.00] a

fee of not less than \$15.00 in the form of a [bank] money order or [a] bank certified check made payable to the Commissioner of Education. Said fee shall be subject to change by formal resolution of the State Board of Education. The resolution cannot be adopted less than 30 days after it is introduced.

(b) Persons taking the reading and mathematics tests of the General Educational Development Test to meet State basic skills testing requirements for a State endorsed high school diploma must pay a fee of not less than \$10.00 in the form of a money order or bank certified check made payable to the Commissioner of Education. Said fee shall be subject to change by formal resolution of State Board of Education. The resolution cannot be adopted less than 30 days after it is introduced.

[(b)] (c) Persons requesting the issuance of a State high school diploma based on [reexamination,] evaluation of secondary school credit or college [work] coursework and those requesting a duplicate diploma must pay \$5.00 [to the Commissioner of Education] in the form of a [bank] money order or bank certified check made payable to the Commissioner of Education.

department's policy to require registration of the facility at the earliest practicable date.

Social Impact

The overall impact of these amendments will be positive. With reference to the provision allowing for expanding the conditions under which such a certificate may be issued, the public will benefit from the continued availability of disposal facilities. This provision will allow the department to respond to the need for disposal facilities in specific areas, and prevent disruption to normal collection and disposal patterns. The public will be served by the provision, where circumstances permit, for opportunity to review and comment upon materials presented to the department in support of an application for a certificate of authority to operate.

Economic Impact

Economic impacts of this amendment will be positive. By providing a more flexible set of circumstances under which exemptions may be granted, the proposed amendment will extend the positive benefits accruing to temporary certification; that is, the ability to avoid major disruptions in disposal facility access. It is not expected that compliance with the public notice and comment requirements will impose significant economic burdens on applicants or the department.

Environmental Impact

No significant environmental impact is expected from these amendments. The portions of the existing rule which require the department to find that an exemption will not violate the intent of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and will not pose a threat to the public health or the environment, are not being amended. Therefore, the department remains unable to issue an exemption which would result in such a situation being created. Finally, the environment will be further protected by allowing public review and comment, with possible incorporation of these comments and suggestions into exemption and permit documents.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

7:26-1.7 Exemption from registration

(a) Pursuant to N.J.S.A. 13:1E-4a, the commissioner shall exempt[,] from the requirement of registration as set forth in N.J.A.C. 7:26-2[,] and shall grant a permanent or temporary certificate of authority to operate, with or without conditions, to the class of solid waste collection or disposal facilities or operations which in the commissioner's opinion meets the general and applicable specific criteria set forth in [(c) and (d) below] this section.

(b) The owner or operator of any facility or operation of a class exempted pursuant to N.J.A.C. 7:26-1.7 shall comply with all conditions set forth in its certificate of authority to operate. Noncompliance with a certificate of authority to operate shall subject the holder to penalty pursuant to N.J.S.A. 13:1E[-9]-1 et seq. and/or suspension or revocation of authority to operate.

1.-2. (No change.)

(c) (No change.)

(d) Specific criteria for exempting sanitary landfills are as follows:

1. A temporary certificate of authority to operate [which shall be] for a fixed period of time, not to exceed one year, shall be granted to a sanitary landfill facility which, in the opinion of the commissioner, meets the following criteria for exemption:

ENVIRONMENTAL PROTECTION

Proposals numbered PRN 1985-309 and 310 are authorized by Robert E. Hughey, Commissioner, Department of Environmental Protection.

(a)

DIVISION OF WASTE MANAGEMENT

Solid Waste Disposal Exemption from Registration

Proposed Amendment: N.J.A.C. 7:26-1.7

Authority: N.J.S.A. 13:1B-3, 13:1E-4 and 13:1E-6. Proposal Number: PRN 1985-310. DEP Docket No: 025-85-05.

Submit comments by July 3, 1985 to: Howard Geduldig, Regulatory Officer, Office of Regulatory Services, New Jersey Department of Environmental Protection, CN 402, Trenton, N.J. 08625

The agency proposal follows:

Summary

These amendments to N.J.A.C. 7:26-1.7 address two areas. First, the circumstances under which the department may exempt facilities from registration are expanded, allowing the department to more flexibly respond to emergent circumstances. Second, the department intends to require the holding of a public hearing and to allow public comment and notice regarding the application for a certificate of authority to operate, and this proposal sets forth a procedure to be followed to achieve this goal. No change is proposed to the

PROPOSALS

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ENVIRONMENTAL PROTECTION

i.-iii. (No change.)

iv. Use of the facility prior to the time that a registration can be issued pursuant to N.J.A.C. 7:26-2 is essential in order to avoid a major disruption in [the operation of one or more solid waste management plans and in order to comply with a judicial decree or statutory requirement to provide disposal facilities in a particular district] **provision of solid waste disposal services, which disruption would be inconsistent with the purpose and intent of the Solid Waste Management Act; and**

v. (No change.)

2. To the extent that circumstances permit, the commissioner shall require an applicant for a temporary certificate of authority to operate to submit the application to the county and municipality in which the facility is proposed to be located and to publish notice of the application in a newspaper of general circulation in the county and municipality in which the facility is proposed to be located. Such submissions and publication shall specify that the department shall accept written comments and reports on the application for a period to be established by the department and to be indicated in the notice. Said notice shall also specify the time and location, as established by the department, of a public hearing on the application, which must be held before the sanitary landfill facility becomes operational.

(e) (See proposed new subsection at 17 N.J.R. 1040(a), May 6, 1985 Register.)

(a)

DIVISION OF ENVIRONMENTAL QUALITY

**Bureau of Radiation Protection
Transportation of Radioactive Material**

Proposed Readoption: N.J.A.C. 7:28-12

Authority: N.J.S.A. 26:2D-1 et seq.
Proposal Number: PRN 1985-309.
DEP Docket No.: 024-85-05.

Submit comments by July 3, 1985 to:
Scott B. Dubin
Office of Regulatory Services
New Jersey Department of
Environmental Protection
CN 402
Trenton, N.J. 08625

The agency proposal follows:

Summary

Under the provisions of Executive Order No. 66(1978), which provides for the expiration of amended or new rules within five years, N.J.A.C. 7:28-12, Transportation ("regulations") will expire June 30, 1985. The Department proposes to readopt the regulations. N.J.A.C. 7:28-12 is therefore proposed for readoption as a new rule. The Department has reviewed the regulations for the purpose for which they were originally promulgated.

The Department finds that the regulations, which cover the transportation and intransit storage of radioactive material into, through, or within the State, are necessary to continue to protect the citizens of the State from unnecessary radiation that can result from an accidental release of radiation into the

environment. The regulations establish requirements for the routing and intransit storage of radioactive material of 20 or more curies. A certificate of handling is required before transporting or storing such materials to provide the Department with information as to the type, amount and route to be used. The regulations have improved the Departments ability to monitor types and quantities of radioactive material being transported over New Jersey highways, develop alternate routing available in a county with high population, densities and provide effective emergency response through prior knowledge and approval of routing. The general description of sections of the subchapter are as follows:

7:28-12.1 Purpose and scope: delineates the purpose and scope of the subchapter.

7:28-12.2 Definitions: defines terms used exclusively in this subchapter or requiring specific explanations as used in the subchapter.

7:28-12.3 General Requirements: defines the types and quantities of radioactive material requiring a certificate of handling.

7:28-12.4 Application for certificate of handling for the transportation of radioactive material: sets forth the requirements and procedures to be followed by an applicant in order to obtain a certificate of handling.

7:28-12.5 Application for certificate of handling for the transportation of irradiated reactor fuel (spent fuel): sets forth specific requirements for the shipment of irradiated reactor fuel. The requirements of this section include advance notification, route planning, intermediate stops, security, communication and emergency safeguards planning. Persons are required to avoid, where possible, the shipment of spent fuel through those New Jersey counties whose population density exceeds 1,000 persons per square mile.

7:28-12.6 Application for certificate of handling for the transportation of radiopharmaceuticals or radiographic exposure devices: sets forth specific requirements for the shipment of radiopharmaceuticals or radiographic exposure devices.

7:28-12.7 Application of handling for the storage of intransit radioactive materials: sets forth the requirements and procedures to be followed by an applicant in order to obtain a certificate of handling for the temporary storage or detention of radioactive materials during transportation. The provisions of this section insure that: radioactive material stored intransit are secured from theft; that local authorities who would normally respond to accidents such as fires at warehouses, would be forewarned of the presence of the materials; that individuals with knowledge of hazards relating to the particular materials would be accessible for consultation; and that adequate insurance coverage is available to indemnify parties in the event of losses resulting from an accident involving the material.

7:28-12.8 Non-compliance with certificate conditions: sets forth the invalid use of a certificate of handling and the penalty for falsification of certificate of handling information.

7:28-12.9 Fees: sets forth the authority of the Department to change fees for any service performed pursuant to the regulations.

The Department has carefully reviewed the regulations. Substantive amendments periodically will be adopted by the Department pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as deemed necessary. The Department now finds that the regulations, in their present form, are necessary for the protection of the State's environment. The Department has determined that the regulations should con-

tinue in effect, subject to such continuing future modification as may be warranted.

Social Impact

The proposed readoption of the regulations will allow the Department to continue to monitor the shipments of radioactive material through and into the State. The certificate of handling program will enable the Department to fully insure that materials are being routed properly, that types and quantities of radioactive materials are reported to State officials, and that responsible shippers and carriers are ready to provide information and respond to an accident. The regulations have minimized the likelihood of a transportation accident by taking into account local traffic conditions and the foreseeable consequences of an accident. The increased effectiveness of emergency response through prior knowledge and approved routing is well documented. The continued long term effect will be the categorizing of the information obtained into patterns of shipping movement which will help facilitate future monitoring, enforcement and emergency response. The proposed readoption of the regulations will provide the Department with the necessary regulatory authority to enforce its responsibilities under the Radiation Protection Act of 1958, N.J.S.A. 26:2D-1 et seq. (the Act) and protect the public from unnecessary radiation.

Economic Impact

Since the proposed readoption of the regulations would only promulgate the existing regulatory program, the Department foresees no additional economic impact. Although the authority to collect fees for service rendered is indicated in the subchapter, to date no such fees have been levied. The regulatory expenses incurred by enforcing the regulations have been absorbed and combined with other radiation regulatory programs. As of this readoption notice the Department does not foresee the need for an increase in economic impact for the handling and investigation of routine shipments of radioactive material.

Environmental Impact

The proposed readoption of the regulations will have a positive impact of continuing the regulatory framework necessary to implement the radiation protection benefits of the Act. The regulations have been implemented and have proven to afford the maximum protection that is reasonably possible and in a manner which is not unnecessarily restrictive of the radiation industry. The growth figures on radioactive shipments projected five years ago have become a reality. New Jersey has its own nuclear industry and is also a corridor state for shipments to and from New England. Prior knowledge of the contents and routing of radioactive material shipments and locations of stored material have enabled the Department to better protect its citizens from the risks and consequences of both accident-free and accident-related transport of radioactive materials.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 7:28-12.

HEALTH
(a)

**DIVISION OF LOCAL AND
COMMUNITY HEALTH SERVICES**

Depuration of Soft Shell Clams (Mya Arenaria)

Proposed Amendments: N.J.A.C. 8:13-2.1, 2.4, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.13, 2.14

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health.

Authority: N.J.S.A. 24:2-1.

Proposal Number: PRN 1985-307.

Submit comments by July 3, 1985 to:

Kenneth Kolano, Chief
Food and Milk Program
Environmental Health Services
Division of Local and Community
Health Services
New Jersey Department of Health
CN 364
Trenton, N.J. 08624

The agency proposal follows:

Summary

The Department of Health proposes to amend its rules concerning the requirements for depuration of soft shell clams. The amendments basically fall into two major areas. The first area concerns N.J.A.C. 8:13-2.13 which specifies the bacteriological sampling requirements. The current requirements state that each process batch of depurated clams must be sampled and analyzed by a laboratory approved by the Department. Currently this work is being conducted by private laboratories directly associated with depuration plant owners. This arrangement created several serious problems for the Department regarding the enforcement of the requirements. Regulatory action was taken against the plant operators for failing to ensure that the required tests were being conducted. Additionally, action was taken to suspend Department approval of a private laboratory based upon investigations that revealed that samples were not being analyzed properly, therefore causing serious doubt that accurate sampling results were being reported. Based upon the problems with the use of private laboratories associated with the depuration plants, the Department is proposing that the testing be conducted by a governmental laboratory whenever practical. The Department has received assurances from the Monmouth County Health Department that they will be able to perform the required testing on a fee for service basis. In the event that a government laboratory is not available provisions have been provided for approval of a non-governmental laboratory.

In addition to this revision, the Department is proposing a number of changes to clarify and strengthen several sections of the regulations. The Department is proposing specific cleaning schedules; increasing the number of samples required after 72 hours of depuration; and clarifying the provisions for transporting clams to the depuration plant. Also, several other minor wording changes are included which relate to record keeping.

Social Impact

The surveillance and inspection of shellfish depuration plants for compliance with the strict standards of operation established under these rules is an indispensable part of the Department's efforts to ensure that safe shellfish are being offered for sale. Shellfish have the ability to concentrated

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large numbers of disease causing organisms and shellfish are often eaten raw, thus increasing the likelihood of disease. Failure on the part of a depuration plant operator to purify the shellfish that are being harvested from polluted shellfish growing areas, could result in serious disease outbreaks. The laboratories servicing such plants must provide accurate and reliable sample results to indicate that the shellfish have purged themselves of contaminants. This is an integral part of our program to ensure the safety of these potentially hazardous food products.

The proposed amendments will have a definite social impact upon the consumers that enjoy shellfish that are processed at depuration plants located in New Jersey. Consumers will be provided added assurances that they are being protected and the Department will be better able to monitor these operations to ensure that safe shellfish are being offered for sale.

Economic Impact

The Department does not expect that the proposed amendments will present undue economic hardship on the depuration plants, nor present a substantial economic impact upon the shellfish industry in general. Laboratory services being provided by a governmental laboratory should not be inordinately more expensive than the cost incurred through the use of private laboratories. Two private laboratories, with staff of two technicians will be affected by the rule change. One of the depuration plant operators recently open a laboratory for servicing his plant with the full knowledge that the Department was in the process of proposing this rule change. Although there may be a small economic impact upon the depuration plant operators, the Commissioner believes that the Department should not be dissuaded from its commitment to provide the best approach available to protect the health and welfare of the public. The costs to the Department to administer the proposed rule changes should be minimal.

Full text of the proposal follows (additions shown in boldface **thus**; deletions shown in brackets [thus]).

SUBCHAPTER 2. DEPURATION OF SOFT SHELL CLAMS (MYA ARENARIA)**8:13-2.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Zero hour (0 hour)” means the time at which a tank or tanks become full with process water and the **last lot of** clams are placed into the tanks for depuration.

8:13-2.4 Certificate requirements

(a)-(d) (No change.)

(e) The certificate issued pursuant to these rules and regulations may be **suspended or** revoked for any violation of Title 24 of the Revised Statutes or of any rule or regulation of the department or when bacteriological data shows that the depuration process is not reducing fecal coliform levels to the standards set forth. Any violation of a special permit to possess shellfish harvested from special restricted waters issued by the Department of Environmental Protection is grounds for **suspension or** revocation of the certificate.

(f) **The Department, when in its judgment the protection of the public health warrants, may, before hearing suspend the certification pending the hearing. When the certification has been suspended, the person shall have the right to an expe-**

ditioned hearing. In all other cases, the person shall be afforded the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq., prior to the suspension or revocation of the license.

8:13-2.6 Plant design

The plant shall be designed in such a manner to prevent cross-contamination of untreated and treated clams. Separate washing and culling facilities with convenient supply of wash water approved by the department shall be provided for treated and untreated clams. Separate dry storage areas shall be provided for treated and untreated clams. The plant shall be provided with potable running water, electricity, **and** sewage disposal sufficient to meet all the specifications and carry out all the requirements set forth in these regulations.

8:13-2.7 Transportation of clams

(a) (No change.)

(b) The vessel(s) “Mother Craft” used to transport clams from the harvest site to the depuration plant shall be identified with the name of the depuration plant [painted] in large letters at least six inches high of contrasting color above the water line of the vessel and shall fly a yellow [pennant] **rigid pennant** visible at one nautical mile. The mother craft shall be used for no other purpose **other than for the harvesting, handling and transportation of clams to the identified depuration plant.**

(c) Only “U.S. Standard” bushel/baskets shall be used in the harvesting, transportation and receiving of clams at the depuration plant **unless written approval is given to use an alternate standard type of container.** All reasonable measures shall be taken to assure that [bushel/baskets] **containers** of clams received at the plant are filled to capacity.

(d) During the unloading procedures from the mother craft at the plant the [bushels] **containers** of clams shall not be covered and shall be open to view.

8:13-2.8 Source seawater

(a) No seawater shall be used for depuration unless it meets the following requirements:

1. (No change.)

2. The source seawater shall be free of toxic chemicals, pesticides, detergents, dye stuffs, radioisotopes and marine toxins in concentrations which exceed established State/Federal regulations, or exist in concentrations deemed hazardous by State or Federal officials.

3. Salinity must be within 20 percent of the harvest area value, **at the time of harvest**, expressed in parts per thousand.

(b) The seawater in which the untreated clams are placed for controlled purification shall be of sufficient quality to assure optimal physiological activity. The following requirements shall be met either naturally or through treatment of the water.

1.-4. (No change.)

5. Temperature range shall be a minimum of 40 degrees F (4.4 degrees C) to a maximum of 68 degrees F (20 degrees C).

i.-ii. (No change.)

8:13-2.9 Plant equipment

(a) Hydraulic seawater system design and material rules are:

1.-2. (No change.)

3. Accurate flow [measuring] **control** devices shall be installed in the process seawater system to assure that the flow requirements are being met and maintained.

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4.-6. (No change.)
 (b)-(c) (No change.)
 (d) Storage facilities shall provide for physical separation of the depurated from non-depurated clams and they shall be stored separately at all times.

1. Non-depurated clams which cannot be processed within the working day shall be placed in controlled storage. Storage room temperature should be within 5 degrees F of the processing seawater but shall not exceed 70 degrees F (21.1 degrees C).

i. The number of bushels of untreated clams in storage shall not exceed the amount which the [system] **plant** is capable of [handling] **processing within a 36 hour period.**

ii. **Processing must begin within 36 hours of receipt of clams at the depuration plant.**

[ii.] iii. No more than two consecutive days catch of clams can be combined to make up a process batch.

OFFICE OF ADMINISTRATIVE LAW NOTE: The text of (d)iii, shown below, was never adopted and should not appear in the New Jersey Administrative Code. The text of (d)2, (e) and (f), however, is currently in effect and a part of N.J.A.C. 8:13-2.9. See: 14 N.J.R. 835(b).

[iii. The combining of two consecutive days harvests shall be restricted to bad weather conditions which prevent the operator from obtaining a full harvest. The routine combining of two consecutive days harvest is prohibited unless written approval is received from the Department.]

2. Depurated clams shall be stored and transported under refrigeration temperature (45 degrees F) or (7.2 degrees C).

(e) Water purification system rules are:

1. An ultraviolet (UV) bacteriological reduction system shall be installed to provide process seawater meeting a bacteriological quality of no more than one fecal coliform/100 ml sampled at the UV unit outlet unless this quality can be met naturally and the water is not re-circulated. [Source seawater which is entering a] **A re-circulating seawater system** shall be so designed, installed and operated to assure that the water receives UV treatment prior to entering the system.

i. The department will consider alternate methods of bacteriological reduction units if adequate scientific information is presented showing that the unit will produce process water of the required bacteriological quality; proper testing is conducted; and the practicability of units can be demonstrated.

ii. Chemicals such as chlorine or similar disinfecting compounds shall not be used to treat the process seawater, unless the water is de-chlorinated just prior to usage.

2. The ultraviolet (UV) sterilization unit shall meet the following minimum requirements.

i. The unit shall be designed and operated to deliver at peak load, at least one gallon per minute of treated water per U.S. bushel of clams.

ii. The unit shall have water flow control device(s) to prevent the water flow exceeding the capacity of the unit regardless of the incoming pressure.

iii. A meter and recording chart shall be attached to the unit which will continuously monitor and record the following:

(1) Any changes in ultraviolet transmission of the water to be treated;

(2) Depreciation or reduction in the output of the intensity of the ultraviolet lamps.

iv. The recorder chart shall be calibrated in hours and days and the chart shall be marked to indicate "0", "24", "48", and "72" hour intervals for each process batch.

v. The ultraviolet system shall have provisions for in-place cleaning of the interior of the purification chamber, and ultraviolet tubes.

vi. The ultraviolet tubes shall be replaced when they reach a point of 60 per cent efficiency or 7,500 hours old. A log of tube intensity shall be kept daily which indicates the dates checked, the intensity readings, and tube life in hours.

(f) A water temperature recording device or devices shall be installed in a position to accurately record the process water temperature. The device shall be installed to meet the following requirements:

1. The recorder case shall be moisture-proof under normal operating conditions.

2. The temperature recording device shall be graduated with a range between 2 degrees F and 100 degrees F.

3. The chart shall be graduated with not less than 2 degrees F divisions, with not more than 40 degrees F per inch of scale, graduated in time scale divisions of not more than one hour.

4. An accurate indicating thermometer shall be provided to check the temperature recording device.

5. The chart shall have a rotation period of record for 72 hours and indicate a continuous recording for the 48/72 hour depuration process.

6. The recorded elapsed time as indicated by the temperature recorder chart rotation shall not exceed the time elapsed as compared to an accurate watch.

7. The chart support shall be provided with a pin or pins to puncture the chart in a manner to prevent improper or false rotation.

i. Temperature recording device operation:

(1) The temperature recording device shall be activated on the onset of the depuration process (0 hour).

(2) Charts shall identify the dates of process batch including lot number(s) and quantity of clams in each lot.

(3) Any unusual occurrences shall be recorded on the chart; such as system break-down or large temperature deviations.

8:13-2.10 Washing and culling of clams

Before depuration, clams shall be washed **at the plant** with water taken from a source approved by the department and culled to remove broken, cracked, dead or gaping clams. **During the depuration process the tanks shall be drained and the tank and clams flushed of fecal material, sand and debris when necessary to prevent an accumulation of these materials.** After the depuration process is completed, clams shall again be washed and culled to remove feces and to dispose of any dead, cracked, broken or gaping clams. Separate culling and washing facilities shall be provided for untreated and treated clams. All dead clams, or clams in broken or cracked shells shall be destroyed, or disposed of in a manner acceptable to the department such as being sold for bait purposes. Only depuration plants holding a valid shellfish bait permit issued by the Department of Environmental Protection shall be authorized to dispose of culled clams in this manner.

8:13-2.11 Cleaning and sanitizing treatment of equipment

(a) Adequate facilities shall be provided for the proper washing, cleaning and sanitizing treatment of equipment, utensils, and building. All equipment and utensils utilized in the depuration plant shall be maintained in a clean condition. All clams and seawater contact surfaces shall be cleaned and sanitized [after each usage or by] at the frequencies listed as follows:

1. Process tanks **and seawater distribution piping** shall be drained of seawater after each process and **tanks and racks**

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shall be cleaned and sanitized **within three hours after a process batch is removed from the system** and rinsed of sanitizing residuals before [each] **another** depuration process begins.

[2. The process tank sea water distribution piping network shall be cleaned and sanitized after each process at least once a week. If static organic material has accumulated at the end of a process the piping system shall be cleaned prior to the start of a new process.]

[3.] **2.** The seawater reservoir(s) used to hold incoming process seawater shall be **drained and flushed after each process batch and** cleaned and sanitized once a week.

[4.] **3.** Clam processing containers shall be cleaned and sanitized [before each process] **within three hours after removal of clams.**

[5.] **4.** The ultraviolet or quartz tubes and tube chamber of the UV units(s) shall be cleaned [daily] **within three hours after each depuration process.**

8:13-2.13 Bacteriological sampling

(a) Bacteriological sampling collection and analysis of depurated clams shall be conducted by a **government operated** laboratory approved by the department and subject to evaluation by the U.S. Food and Drug Administration [under the following minimum sampling program:] **The Department shall reserve the right to approve a non-government laboratory, preferably not affiliated with the plant(s) being regulated on an interim basis when a government laboratory is not available. The following minimum sampling programs shall be followed:**

1. Clam samples are to be taken randomly for each process batch of clams at the following intervals:

i.-ii. (No change.)

iii. [Three] **Five** samples per lot at "72" hours if found necessary.

2. A water sample of the ultraviolet (UV), treated water shall be taken directly from outlet of **each** UV unit each week.

(b) (No change.)

(c) Clam process batch(s) which do not meet the bacteriological standards set forth after 48 hours of depuration shall be further depurated for an additional 24 hours. Clam process batch(s) which do not meet the bacteriological standard after 72 hours of depuration cannot be further depurated and shall not be used for human food consumption and shall be disposed of in a manner approved by the department. The certificate holder shall notify the State Health Department shellfish program by telephone immediately upon receipt of bacteriological results which do not meet the standard after **48 or 72** hours of depuration.

(d) (No change.)

8:13-2.14 Recordkeeping

(a) Each lot(s) of clams brought to the depuration plant shall be assigned a process batch number. A separate set of records shall be kept on the premises at all times for at least one year and be available for inspection upon request. All records shall be kept in indelible ink and shall indicate the following:

1. The process batch number of each [harvest] **process** shall be recorded.

2. The harvest site shall be recorded, including the name of the estuary and identification (common name) of the center-point of site to within .25 nautical mile **or the Department of Environmental Protection section identification numbers.**

3.-13. (No change.)

[14. The process seawater flow in gallons per minutes shall be recorded each day.]

[15.] **14.** The sales information to include date, number of bushels, person and address to whom sold shall be recorded at the time of sale and identified to the process batch.

[16.] **15.** Copies of the records required in **this section** [(a)1 through (a)15 above] shall be submitted to the Department, Shellfish Project, the 1st and 15th of each month.

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Proposals numbered PRN 1985-297, 303, 304, 305 and 319 are authorized by George J. Albanese, Commissioner, Department of Human Services.

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

For proposals numbered PRN 1985-303, 304, 305 and 319, submit comments by July 3, 1985 to:

Henry W. Hardy, Esq.
Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, N.J. 08625

(a)

Transportation Services Manual Oxygen Equipment and Transportation Charge

Proposed Amendments: N.J.A.C. 10:50-1.2, 1.5, 1.6

Authority: N.J.S.A. 30:4D-6b(15); 42 CFR 431.53.
Proposal Number: PRN 1985-304.

The agency proposal follows:

Summary

This proposal will impact primarily on Medicaid providers of transportation services that use vehicles which are classified as invalid coaches.

The Division is modifying its policy regarding oxygen equipment, which is mandatory under the current regulations. This proposal will now classify this equipment as optional. (See N.J.A.C. 10:50-1.2.) However, if the provider of invalid coach services elects to carry oxygen equipment, then the provider must comply with the regulations established by the New Jersey Department of Health. (It should be noted that regulations governing standards for licensure for Invalid Coach and Ambulance Services were recently adopted by the New Jersey Department of Health as R.1985 d.192. The text of the adopted rule appeared in the April 15, 1985 issue of the New Jersey Register at 17 N.J.R. 919(a). (See N.J.A.C. 10:50-1.2.) The requirements for oxygen administration devices appear at N.J.A.C. 8:40-4.9).

The proposal also revises the transportation charge for invalid coach carriers. The Division's current policy is to pay \$17.00 (one-way trip) for the first patient and \$14.00 for each additional patient. This proposal will standardize the transportation charge at \$17.00 per patient, including patients who

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are being transported to receive dialysis treatment. (See N.J.A.C. 10:50-1.6.)

There is also amended text in the proposal which really represents a recodification rather than a change in policy. For example, the Division has always required transportation providers to be responsible for providing round-trip services within a 24-hour period. The requirements concerning patients undergoing dialysis treatment are not being changed; they are only being recodified. (See N.J.A.C. 10:50-1.5.)

Social Impact

Federal regulations (42 CFR 431.53) require that transportation to and from providers of medical services be available to Medicaid patients. This proposal is intended to assist in achieving this objective by continuing to make invalid coach services available to Medicaid patients.

Those transportation providers that provide invalid coach services shall benefit from the more flexible requirement for oxygen administration devices, and the standardized transportation charge.

Economic Impact

There is no cost to the Medicaid patient for transportation services.

It is estimated that the use of the standardized transportation charge of \$17.00 will cost the Division approximately \$302,000 (Federal-State share combined) for the next twelve months. This figure was based on the number of invalid coach services provided in calendar year 1984.

Providers of invalid coach services will be reimbursed for the transportation charge at the rate of \$17.00 (one-way trip) for each patient being transported.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:50-1.2 Definitions

“Carrier” (No change.)

1. (No change.)

2. (No change.)

i. (No change.)

ii. The following are the equipment, supplies, personnel and vehicle requirements for invalid coach:

(1) Equipment and supplies; walk-in type van equipped and supplied as follows:

(A)-(G) (No change.)

[(H)] [Approved oxygen tank of sufficient supply to provide one-half hour's oxygen with pin-indexed oxygen regulator]

[(I)] **H** (No change.)

[(J)] **I** (No change.)

[(K)] **J** (No change.)

(2)-(3) (No change.)

iii. Optional equipment:

(1) Oxygen administration devices may be carried in the vehicle, but must comply with New Jersey Department of Health regulations (see N.J.A.C. 8:40-4.9).

3. (No change.)

10:50-1.5 Basis of payment

(a)-(d) (No change.)

(e) Invalid coach service shall be reimbursed on the basis of customary charge, not to exceed the following maximums: [(Exception: See (j) below.)]

1. Transportation charge, one way, [one] **per patient—\$17.00;**

2. Transportation charge, round trip, [one] **per patient—\$34.00;**

[3. Transportation charge, one way, each additional patient—\$14.00 per patient;]

[4. Transportation charge, round trip, each additional patient—\$28.00 per patient.]

i. The limit as to the number of patients being carried at one time is three (**exception: see (j) below**). A carrier when performing round-trip services shall be responsible for completing each round-trip obligation by honoring the return trip if occurring within 24 hours from the original pickup time. This responsibility is interpreted to include the carrier's guarantee that if he does not perform the return trip himself that arrangements are to be made with another transportation company to do so with no additional expenses to the Medicaid Program.

[5.] **3.** (No change.)

i. (No change.)

[6.] **4.** (No change.)

(f)-(i) (No change.)

(j) The Medicaid Program has special [allowances] **conditions** for invalid coach services for patients receiving dialysis treatment[,] who require invalid coach transportation.

[1. Transportation charge, first patient, one way—\$14.00;]

[2. Transportation charge, first patient, round trip—\$28.00;]

[3. Transportation charge, additional patient, one way—\$11.00 per patient;]

[4. Transportation charge, additional patient, round trip—\$22.00 per patient.]

[i.] **1.** The Medicaid program does not pay for waiting time for patients transported to receive dialysis treatments.

[ii.] **2.** Prior authorization is required for invalid coach services for patients receiving dialysis treatment[.]; however, services may be authorized for up to three calendar months at a time.

[iii.] **3.** The Program limits the number of persons in a multiple load for dialysis treatments to four.

[iv. A carrier when performing round-trip services shall be responsible for completing each round-trip obligation honoring the return trip if occurring within 24 hours from the original pickup time. This responsibility is interpreted to include the carrier's guarantee that if he does not perform the return trip himself that arrangements are to be made with another transportation company to do so with no additional expense to the Medicaid program.]

Delete 5. and 6.

10:50-1.6 Transportation services; maximum allowable fees

(a) The following procedure codes, description and maximum allowances are recognized for reimbursement by the New Jersey Medicaid Program.

PROCEDURE CODES	DESCRIPTION	MAXIMUM ALLOWANCE
	[Ambulance]	
6101	Ambulance—One way	\$24.00
6102	Ambulance—Round trip	\$48.00
	[Invalid coach—Non-dialysis patients:]	
6111	*Invalid coach—one way, [first] per patient	\$17.00
6113	Invalid coach—round trip [first] per patient	\$34.00
[6112	Invalid coach—one way, each [additional patient]	\$14.00 per patient]
[6114	Invalid coach—round trip, each [additional patient]	\$28.00 per patient]

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	[Invalid coach—Dialysis patients:]	
[6115]	First patient, one way	\$14.00]
[6117]	First patient, round trip	\$28.00]
[6116]	Additional patient, one way	\$11.00]
[6118]	Additional patient, round trip	\$22.00]
	[Mileage:]	
6103	Mileage—Ambulance	\$ 0.80 per loaded mile
6103	*Mileage—Invalid coach	\$ 0.80 per loaded mile
[6103	*Mileage—Dialysis patient	\$ 0.80 per loaded mile]
6109	Waiting time—Ambulance— One-way trip only:	
	1/4 hour	\$ 2.50
	1/2 hour	\$ 5.00
	3/4 hour	\$ 7.50
	1 hour	\$10.00
[6119	Oxygen 1/2 hour minimum	\$ 6.00 per 1/2 hour]
6110	Waiting time—Invalid coach— One-way trip only:	
	1/4 hour	\$ 1.25
	1/2 hour	\$ 2.50
	3/4 hour	\$ 3.75
	1 hour	\$5.00
6119	Oxygen 1/2 hour minimum	\$ 6.00 per 1/2 hour

*Maximum of three patients for invalid coach at one time, except for patients transported to receive dialysis treatments where a maximum of four patients is allowed. Medicaid will pay mileage for only one patient in a multiple load from the farthest location to the destination (and back if a round trip). Provider must submit all claims for multiple-load patients together and certify on the claim forms that they are charging mileage only for the one patient who is being transported the farthest distance.

(a)

Manual for Hospital and Special Hospital Services; Manual for Physician's Services; Independent Clinic Services Manual Termination of Pregnancy in a Licensed Health Care Facility

Proposed Amendments: N.J.A.C. 10:52-1.16; 10:53-1.14; 10:54-1.23; 10:66-1.6

Authority: N.J.S.A. 30:4D-6.1.
Proposal Number: PRN 1985-319.

The agency proposal follows:

Summary

This proposal amends the Medicaid rules governing termination of pregnancy in order to conform with those of the New Jersey Board of Medical Examiners (N.J.A.C. 13:35-4.2).

The proposal will extend the time period for termination of pregnancy using the dilation and evacuation procedure within a period of gestation not exceeding 18 menstrual weeks (the previous time limit was 16 weeks) from the first day of the last menstrual period or 16 weeks' gestational size (the previous limit was 14 weeks) as determined by a physician.

The procedure to terminate pregnancy using the dilation and evacuation procedure may be performed in a licensed

hospital or in a licensed health care facility (formerly referred to as an abortion clinic).

The existing requirements for Medicaid reimbursement for abortions remain unchanged.

Social Impact

The rule extends the time available to women for abortions by two weeks when the dilation and evacuation procedure is used.

The providers that would be affected by the rule are licensed hospitals or licensed health care facilities, both of which are subject to the conditions established by the New Jersey Board of Medical Examiners as cited previously.

Economic Impact

There is no cost to the Medicaid patient for this service.

The Division is making no change in the reimbursement methodology or fee schedule at this time. Licensed providers will still be required to follow all Medicaid policies and procedures, including attaching a copy of the completed Physician Certification Form (FD-179) to the claim form.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:52-1.16 Medicaid reimbursement for abortions

(a) [Effective May 1, 1980] Medicaid will pay for all medically necessary abortions.

(b) (No change.)

(c) The determinations of medical necessity are subject to review by Medicaid in accordance with existing rules and regulations of the Medicaid Program. [Effective May, 1980,] [r]Reimbursement will be made to Medicaid participating providers for medically necessary abortions within the following guidelines:

1. Medically necessary abortions may be performed up to and during the 12th week of pregnancy in a licensed hospital, licensed physician's office or licensed independent [abortion clinic.] **health care facility.**

2. Medically necessary abortions performed after the 12th week of pregnancy must be performed in a licensed hospital.

i. Exception: Termination of pregnancy using the dilation and evacuation procedure, within a period of gestation not exceeding [16] **18** [menstrual] weeks **from the first day of the last menstrual period** [and/] or [14] **16** [gestational] weeks' **gestational** size as determined by a physician, may be performed in a licensed independent [abortion clinic] **health care facility** approved for participation in the Medicaid Program.

3. (No change.)

(d) (No change.)

10:53-1.14 Medicaid reimbursement for abortions

(a) [Effective May 1, 1980,] Medicaid will pay for all medically necessary abortions.

(b) (No change.)

(c) The determinations of medical necessity are subject to review by Medicaid in accordance with existing rules and regulations of the Medicaid Program. [Effective May 1, 1980,] [r]Reimbursement will be made to Medicaid participating providers for medically necessary abortions within the following guidelines:

1. Medically necessary abortions may be performed up to and during the 12th week of pregnancy in a licensed hospital, licensed physician's office or licensed independent [abortion clinic.] **health care facility.**

2. Medically necessary abortions performed after the 12th week of pregnancy must be performed in a licensed hospital.

i. Exception: Termination of pregnancy using the dilation and evacuation procedure within a period of gestation not exceeding [16] **18** [menstrual] weeks **from the first day of the last menstrual period** [and/] or [14] **16** [gestational] weeks' gestational size as determined by a physician, may be performed in a licensed [abortion clinic] **independent health care facility** approved for participation in the Medicaid Program.

3. (No change.)

(d) (No change.)

10:54-1.23 Medicaid reimbursement for abortions

(a) [Effective May 1, 1980,] Medicaid will pay for all medically necessary abortions.

(b) (No change.)

(c) The determinations of medical necessity are subject to review by Medicaid in accordance with existing rules and regulations of the Medicaid Program. [Effective May 1, 1980,] [r]Reimbursement will be made to Medicaid participating providers for medically necessary abortions within the following guidelines:

1. Medically necessary abortions may be performed up to and during the 12th week of pregnancy in a licensed hospital, licensed physician's office or licensed independent [abortion clinic.] **health care facility**.

2. Medically necessary abortions performed after the 12th week of pregnancy must be performed in a licensed hospital.

i. Exception: Termination of pregnancy using the dilation and evacuation procedure, within a period of gestation not exceeding [16] **18** menstrual weeks **from the first day of the last menstrual period** [and/] or [14] **16** [gestational] weeks' gestational size as determined by a physician, may be performed in a licensed independent [abortion clinic] **health care facility** approved for participation in the Medicaid Program.

3. (No change.)

10:66-1.6 Scope of services

(a)-(m) (No change.)

(n) Other services rules are as follows:

1. (No change.)

i. (No change.)

ii. The determinations of medical necessity are subject to review by Medicaid in accordance with existing rules and regulations of the Medicaid Program. Reimbursement will be made to Medicaid participating providers for medically necessary abortions performed in accordance with the following guidelines:

(1) Medically necessary abortions may be performed up to and during the 12th week of pregnancy in a licensed hospital, licensed physician's office or licensed independent [abortion clinic] **health care facility**.

(2) Medically necessary abortions performed after the 12th week of pregnancy must be performed in a licensed hospital.

(A) Exception: Termination of pregnancy using the dilation and evacuation procedure, within a period of gestation not exceeding [16] **18** [menstrual] weeks **from the first day of the last menstrual period** [and/] or [14] **16** [gestational] weeks' gestational size as determined by a physician, may be performed in a licensed independent [abortion clinic] **health care facility** approved for participation in the Medicaid Program.

(3) A copy of the completed Physician Certification form (FD-179, rev. 4/80) must be attached to any Medicaid claim form relating to abortion services.

2.-6. (No change.)

(a)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Procedure Code Manual
Fees for Laboratory Services**

Proposed Amendments: N.J.A.C. 10:54-3

Authority: N.J.S.A. 30:4D-6a(3); 42 CFR 447.325.

Proposal Number: PRN 1985-303.

The agency proposal follows:

Summary

This proposal amends certain procedure codes and fee schedules in the Procedure Code Manual, which is referenced but not reproduced at N.J.A.C. 10:54-3. This particular amendment concerns fees for laboratory services.

Section 2303 of the Medicare and Medicaid Budget Reconciliation Amendments of 1984 (commonly referred to as DEFRA, or the Deficit Reduction Act) amended 1833(h)(2) of the Social Security Act by requiring fee schedules for laboratory services to be set at 60 per cent of the prevailing charge level for similar clinical laboratory tests for the applicable region, state, or area. Since Medicare (Title XVIII) reimbursement levels were adjusted based on this legislation, Medicaid (Title XIX) was required to revise its fee schedules for certain procedure codes since Federal regulations do not allow Medicaid to pay a higher rate than Medicare for laboratory services (42 CFR 447.325).

Therefore, five procedure codes (8504, 8526, 8639, 8730 and 8761) were decreased slightly as indicated by the proposed text of the rule. One procedure code (8867) was increased.

The proposal also makes changes that were not associated with the Federal legislation. The most important change was the addition of a separate procedure code (8988) to allow a house call to a home-bound patient in a home, apartment or sheltered boarding home for the purpose of obtaining blood by venous or arterial puncture.

There is also a new procedure code and fee schedule for "yeast screen".

The procedure codes and fee schedules for visits to nursing homes (to obtain blood specimens) remains unchanged.

Social Impact

The main impact of the proposed rule is economic, rather than social, because the changes were made as the result of amendments to Federal legislation.

However, both the provider of laboratory services and the Medicaid patient should benefit from the addition of the new procedure code (8988) for home-bound patients, who can have blood drawn in their home instead of being transported to a laboratory.

Economic Impact

There is no cost to the Medicaid patient for laboratory services. The economic impact on the Division should remain basically the same. Some procedure codes are being decreased pursuant to Federal requirements, while there are two new procedure codes and fee schedules for "yeast screens" and home visits.

The economic impact on providers of laboratory services will vary, depending on the number of Medicaid patients served.

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Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

FEES FOR LABORATORY SERVICES

Procedure Code	Laboratory Service	Medicaid Dollar Value
8504	Carcinoembryonic Antigen (CEA) (RIA)	[24.00] 22.40
8526	(Rast) Each additional Antigen	[6.00] 4.80
8639	Chromatography, single phase (Section II)	[6.00] 4.40
8730	Thromboplastin Generation Test (TGT)	[11.00] 9.00
8761	Triglycerides (Neutral Fat)	[9.00] 8.30
8867	Culture, Fungus (definitive) (e.g., <i>Candida Albicans</i>).	[3.00] 8.00
8868	Yeast Screen (not definitive) from Urine, Vaginal or Throat Cultures only (for example, germ tube).	3.00
8988	House Call to Home Bound Patient in Home or Sheltered Boarding Home for purpose of obtaining blood by venous or arterial puncture. Reimbursement limited to once per trip regardless of number of patients.	10.00
8998	Visit to obtain Blood Specimens by venous or arterial puncture "First Person in Nursing Home" [First person in same home or facility]	1.80
8999	Visit to obtain Blood Specimens by venous or arterial puncture "Each additional person in Nursing Home" [Each additional person]	0.60

(a)

**Independent Clinic Services Manual
Mental Health Services; Prior Authorization
Proposed Amendments: N.J.A.C. 10:66-1.5**

Authority: N.J.S.A. 30:4D-6b(3), 7, 7a, 7b.
Proposal Number: PRN 1985-305.

The agency proposal follows:

Summary

This proposal will amend the Independent Clinic Manual. The current rule requires clinics that provide mental health services to obtain prior authorization from the Chief, Bureau of Mental Health Services, Division of Medical Assistance and Health Services, after \$300.00 has been paid to the clinic for each Medicaid patient being treated. This proposal will raise the threshold limit for prior authorization for mental health services from \$300.00 to \$600.00 for each patient.

The term mental health services is used comprehensively in this proposal and applies to both partial hospitalization and partial care.

Social Impact

This rule impacts on those Medicaid patients who require mental health services and receive them in an independent clinic setting. Medicaid patients can continue to receive mental health services after the New Jersey Medicaid Program has spent \$600.00 for their treatment, so long as the independent clinic obtains prior authorization.

This rule impacts on those independent clinics that provide mental health services. These clinics will not have to request prior authorization until the \$600.00 threshold figure has been reached.

Economic Impact

Medicaid patients are not required to pay for mental health services.

There is no change in the fee schedule associated with this proposal. Therefore, there should be no significant economic impact on either the Division or the providers. However, independent clinics must obtain prior authorization once the \$600.00 threshold has been reached, or their claim will not be processed for payment.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

10:66-1.5 Prior authorization

(a)-(b) (No change.)

(c) Prior authorization for services rendered by independent clinics is required as follows:

1.-2. (No change.)

3. Mental health services, including partial hospitalization and partial care, exceeding [\$300.00] **\$600.00** in payments to an independent clinic in any 12-month period, commencing with the patient's initial visit. The maximum period of authorization is six months for partial hospitalization and partial care and one year for other mental health services. Additional authorizations may be requested.

4.-5. (No change.)

(b)

**DIVISION OF PUBLIC WELFARE
Food Stamp Program
Confidentiality and Disclosure of
Information**

Proposed Amendment: N.J.A.C. 10:87-1.14

Authority: N.J.S.A. 30:4B-2 and 49 FR 48677.
Proposal Number: PRN 1985-297.

Address comments and inquiries by July 3, 1985 to:

Audrey Harris, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The disclosure of information obtained from clients by agencies administering the Food Stamp Program is restricted to certain specified individuals and circumstances. N.J.A.C. 10:87-1.14(b)1 is being amended to require that Federal, State, or local law enforcement officials requesting food stamp case file information to assist in the investigation of an alleged Food Stamp Program violation must make such request in writing. The request must include the identity of the individual requesting the information and his or her authority to do so, the violation being investigated and the identity of the person about whom the information is being requested. This change is made in accordance with amendment to 7 CFR 272.1(c) at 49 FR 48677.

Applicants for free school meals are considered categorically eligible for such meals if the household is participating in

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the Food Stamp Program and provides a food stamp case number. School officials are required to verify such participation for one-half of one percent (0.5%) of those households indicating participation in the Food Stamp Program. N.J.A.C. 10:87-1.14(b) is amended in compliance with Food and Nutrition Service Administrative Notice A-41-84 to provide county welfare agencies (CWAs) the authority to verify for school officials that a household is participating in the Food Stamp Program.

N.J.A.C. 10:87-1.14(b) is further amended in compliance with amendment to 7 CFR 272.1(c) at 49 FR 48677 to provide that food stamp case file information may be released to employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law.

Social Impact

The amendments to N.J.A.C. 10:87-1.14 have minimal social impact. Law enforcement officials currently have access to case file information when involved in the investigation of an alleged Food Stamp Program violation. Requiring that the request be made in writing and specifying the content of the request will provide county welfare agencies with written documentation for the release of such information.

Verification of participation in the Food Stamp Program for school officials for the purposes of establishing eligibility for free school meals will help to ensure the integrity of the free meal program.

The amendment which provides that employees of the Office of the Comptroller General are authorized access to case file information will have no social impact.

Economic Impact

These amendments have little or no economic impact since these changes will have no effect on eligibility or benefit level. No increase in administrative costs is anticipated as a result of these changes.

Full text of the proposal follows (additions indicated by boldface **thus**; deletions indicated by brackets [thus]).

10:87-1.14 Confidentiality and disclosure of information

(a) Confidentiality of information: The county welfare agency shall restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the Food Stamp Program, AFDC, SSI, Medicaid, Child Support and Paternity Program, or with any other **federal or** federally aided, means-tested assistance programs.

(b) Disclosure of information: The county welfare agency may release information concerning an applicant household in the following situations only:

1. Law enforcement agencies: **Upon written request**, [The] county welfare agency shall cooperate in furnishing information to **Federal, State or local** law enforcement agencies in any investigation which concerns a household fraudulently obtaining coupons or otherwise violating the statutory provisions of the Food Stamp Act or FNS regulations. (See [subsection (a) of this section] **(a) above**.) **The law enforcement agency must provide a written request which shall include the identity of the individual requesting the information and his or her authority to do so, the violation being investigated, and the identity of the person about whom the information is requested.**

2.-8. (No change.)

9. **School officials: The CWA shall honor requests from school officials to verify Food Stamp Program participation**

for households applying for free school meals. The CWA shall not release any information with regard to the household beyond the verification of Food Stamp Program participation.

10. Comptroller General's Office: The CWA shall furnish information to employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law.

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Proposals numbered PRN 1985-306 and 315 are authorized by Charles Serraino, Commissioner, Department of Labor.

(a)

DIVISION OF UNEMPLOYMENT AND TEMPORARY DISABILITY INSURANCE

Scope

Proposed Readoption as New Rules: N.J.A.C. 12:15-1.1 and 1.2

Authority: N.J.S.A. 43:21-1 et seq.
Proposal Number: PRN 1985-315.

Submit comments by July 3, 1985 to:
Frederick C. Kniesler, Assistant Commissioner
Income Security
Department of Labor, Room 602
John Fitch Plaza
Trenton, N.J. 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 12:15-1.1 and 1.2 expired on December 31, 1984. N.J.A.C. 12:15-1.1 and 1.2 are therefore proposed for readoption as new rules.

N.J.A.C. 12:15-1.1 describes the purpose and scope of the rules and regulations pertaining to the administration of the Unemployment Compensation Law and the Temporary Disability Benefits Law.

N.J.A.C. 12:15-1.2 defines the terms "Director", "Division", and "Controller" to conform with their use under N.J.S.A. 43:21-1 et seq.

The Department has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated.

Social Impact

The proposed readoption of these rules will have a positive social impact since they continue to define the purpose and scope of the rules and regulations affecting the unemployment insurance and temporary disability benefits programs.

Economic Impact

The proposed readoption of the rules contain no policy changes and have no fiscal implications. They will not have an economic impact, in that they will, upon readoption, continue

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to be concerned with the purpose, scope, and definition of the rule.

Full text of the proposed new rules follows.

12:15-1.1 Purpose and scope of rules and regulations

(a) Under the Unemployment Compensation Law and the Temporary Disability Benefits Law, benefits financed from taxes or contributions are paid workers who become unemployed, generally because of lack of work or disability.

(b) The unemployment benefits are paid from moneys contributed to a State fund, and temporary disability benefits from moneys contributed to a State fund or from private plans approved by the Division and established by employers for such purposes.

(c) The rules and regulations contained in this Subchapter are agency statements of general applicability and are intended to assist in the implementation of the basic provisions of the laws pertaining to unemployment compensation and temporary disability benefits.

12:15-1.2 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Director” means the Director of the Division of Unemployment and Temporary Disability Insurance in the Department of Labor.

“Department” means the New Jersey Department of Labor.

“Division” means the Division of Unemployment and Temporary Disability Insurance in the Department of Labor.

“Controller” means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor.

The Department has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally intended.

These rules regulate the design, construction, location, installation and operation of liquefied petroleum storage facilities at places of employment for protection of the public.

The rule contains five subchapters. N.J.A.C. 12:200-1 contains general provisions dealing with purpose, scope, compliance and reporting of accidents. N.J.A.C. 12:200-2 contains definitions of terms used in the chapter. N.J.A.C. 12:200-3 contains standards adopted by reference for container markings, container storage, distributing points, distributing plants, industrial plants, standby and peak shaving plants which are other than utility gas plants. N.J.A.C. 12:200-4 contains similar standards which are applicable to utility gas plants. N.J.A.C. 12:200-5 contains the requirements for submittal of plans and project data reports.

Certain State Agencies administer, under N.J.S.A. 21:1B-1 et seq., certain specific phases of liquefied petroleum gas. Listed below is such a summary.

Type of LP-Gas Facility	State Agency
Transportation over the highways in intrastate commerce	Division of State Police, Department of Law and Public Safety
Storage and utilization at residential use group occupancies that are not places of employment	Department of Community Affairs and Local Construction Official
Piping that is both downstream of final stage regulation and outside of buildings	Department of Community Affairs and Local Construction Official
Unfired pressure vessel design and construction, except for safety relief valve settings	Office of Boiler & Pressure Vessel Compliance, Department of Labor & Industry

(a)

DIVISION OF WORKPLACE STANDARDS

Liquefied Petroleum Gases

Proposed Readoption as New Rules: N.J.A.C. 12:200

Authority: N.J.S.A. 21:1B-2.

Proposal Number: PRN 1985-306.

Submit comments by July 3, 1985 to:

William J. Clark, Director
 Division of Workplace Standards
 New Jersey Department of Labor
 CN 054
 Trenton, N.J. 08625-0054

The agency proposal follows:

Summary

The purpose of this proposal is to readopt the existing rules on liquefied petroleum gases. The current chapter expired May 15, 1985 pursuant to Executive Order No. 66(1978). Therefore, N.J.A.C. 12:200 is proposed for readoption as a new rule. The proposed readoption does not include any changes in the expired text.

Social Impact

The rule has had and should continue to have a positive social impact in that the public will remain safeguarded from the hazards associated with liquefied petroleum gas. The people affected by these rules have been the users of liquefied petroleum gas at places of employment, and the public at large, who have been provided with safer communities by inspection of the facilities. If the rules are not readopted, there will be no regulation on this subject and no enforcement to provide for the safety of the public.

Economic Impact

The continuation of this safety rule without change should present no change in economic impact. Continued compliance with the rule should prevent a negative economic impact in that unsafe liquefied petroleum installations could result in disaster for the public and property. As in the past, operators will be required to take corrective actions where violations are found during inspections. The past economic impact of the rules will also continue upon readoption in that there will be no additional cost to those operators in compliance. The public will continue to benefit by reductions in injuries and losses of life and property.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 12:200.

LAW AND PUBLIC SAFETY (a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Issuance of Identification Cards by County Clerks

Proposed Readoption Without Change: N.J.A.C. 13:2-40.3 and 40.4

Proposed Readoption with Amendments: N.J.A.C. 13:2-40.1, 40.2, 40.5, 40.6, 40.7

Authorized By: John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control.

Authority: N.J.S.A. 33:1-81.2 through 81.9.

Proposal Number: PRN 1985-308.

Submit comments by July 3, 1985 to:

John F. Vassallo, Jr., Director
Division of Alcoholic Beverage Control
Richard J. Hughes Justice Complex
CN 087
Trenton, New Jersey 08625

Pursuant to Executive Order No. 66(1978), N.J.A.C. 13:2-40 expires on July 3, 1985. The readoption becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of readoption. The readoptions with amendments become effective upon publication in the Register of a notice of adoption.

The agency proposal follows:

Summary

The lawful age to purchase and consume alcoholic beverages in the State of New Jersey is 21 years of age. N.J.S.A. 9:17B-1. It is unlawful for the holder of a retail liquor license to sell, serve or deliver alcoholic beverages to, or allow, permit or suffer the consumption of alcoholic beverages on licensed premises by persons not of the legal age. N.J.S.A. 33:1-77 and N.J.A.C. 13:2-23.1(a). Unfortunately, individuals not of the legal age attempt to purchase alcoholic beverages and retail licensees are required to scrutinize transactions with youthful looking individuals and verify the true age of such potential patron.

In balancing the public policy concerns which mandate the elimination of underage purchase and consumption of alcoholic beverages in this State with the sometimes impossible task of a retail liquor licensee to insure that he does not sell to an underage person, various forms of identification have been set forth in the Alcoholic Beverage Law, specifically in N.J.S.A. 33:1-77, which, if accepted by a retail licensee at the time of sale and considered with other statutory elements, will represent a defense to a charge that the licensee sold alcoholic beverages to a person under the legal age. The forms of identification set forth in N.J.S.A. 33:1-77 are: (a) a driver's license bearing a photograph of the licensee; (b) a photographic identification card issued by the County Clerk pursuant to N.J.S.A. 33:1-81.2 through 81.9; or (c) a photographic identification card similar to the County ABC card set forth in (b) above but issued pursuant to the laws of another State or the Federal government.

Subchapter 40, proposed for readoption with amendments, deals with the issuance of identification cards by County Clerks (often called ABC identification cards). These ABC identification cards are specifically authorized in N.J.S.A. 33:1-81.2 through 81.9. Authority to promulgate rules and regulations regarding the size, style and additional content of the identification card, the form and content of any application therefor, applicant's photograph, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing the application, the distribution of the card, the charge for any card more than one that shall be issued to the same applicant, and all other matters deemed necessary or advisable for the purposes of carrying into effect this law are vested in the Director, Division of Alcoholic Beverage Control under N.J.S.A. 33:1-81.2 and .3.

The basic objective of Subchapter 40 is to articulate and elaborate upon the legislative provisions of N.J.S.A. 33:1-81.2 et seq. and establish a uniform, comprehensive and regulated procedure to be followed by the 21 County Clerks in New Jersey in issuing ABC identification cards. The objective continues to be important today and the existing regulations with proposed amendments are necessary, adequate, reasonable, efficient, understandable and responsive to this objective. A brief explanation of the specific sections in Subchapter 40 and significant changes proposed follows:

Section 1 sets forth the application form to be used in connection with requests for an ABC identification card. The form identifies salient personal history information, the documentation required to establish age, the requirement for photographs of applicant and a certification of truth under penalties set forth in N.J.S.A. 33:1-81.7. Proposed amendments to this section include: elimination in question 4 of information concerning date of 18th birthday (legal age is 21); creation of an additional line in question 8 to permit the notation of other types of identification submitted to establish age; modification of question 9 to require color instead of black and white photographs (conform regulation to existing practices in counties and enhance detection of card misuse); and modification of the "Warning" language to conform to statute.

Section 2 requires the applicant to establish his or her age by presentation of birth certificate, naturalization certificate or such other proof required to satisfy the County Clerk. A minor change in language is proposed to add "or her" after "his" and before "age".

Section 3 reiterates the requirement upon application to submit two recent photographs with the application. No change is proposed.

Section 4 requires the applicant to sign the application in the presence of the county clerk or duly authorized deputy. The governmental representative shall also at that time sign his or her name and date the application. No change is proposed.

Section 5 sets forth the size, form and content of the ABC identification card. It also prescribes the card's material and print color. A replica of the card form (front and back) is contained in the regulation. Proposed amendments to this section include: revision of the card size from 3 3/4 inches wide by 2 1/2 inches high to 3 1/2 inches wide by 2 1/2 inches wide to conform to the size of a standard motor vehicle driver's license; the change of age on the front of the card from "18 years" to "21 years"; elimination of legend "Not to be accepted by alcoholic beverage licensees as 'written representation' of age" (no longer accurate due to change in law); and modification of "alcoholic beverage licensee note:" on back

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of card to accurately reflect legal effect of use of the County ABC identification card in accordance with the January 17, 1984 amendment to N.J.S.A. 33:1-77).

Section 6 outlines the procedure to follow in the issuance of the card including: the sequence of signatures on the card; the consecutive numbering on the card; the attachment of photographs to the card and the file copy of the application; and the lamination of the card. An amendment to this section will require the affixing of the County seal to the card in a manner so that the seal overlaps a portion of the photograph and the printed card. Such practice should assist in the detection of counterfeit cards or alterations where there is an attempt to replace the photograph.

Section 7 reiterates the fee for the ABC identification card. The fee will be changed from \$2.00 to \$4.00 to comport to a legislative amendment on July 1, 1980 in the County Clerk's fee schedule at N.J.S.A. 22A:2-29. Replacement cards, required because of loss, theft or destruction, can be issued upon proof thereof of the reason by affidavit. The fee for replacement is also being revised from \$2.00 to \$4.00. A further amendment is proposed to require replacement cards to be conspicuously noted as such.

An amendment to N.J.A.C. 13:2-40.1, which became effective on July 3, 1980 (12 N.J.R. 343(b), 12 N.J.R. 494(b), has caused the provisions of Subchapter 40 to sunset on July 3, 1985. That amendment changed the age requirement for an applicant for an ABC identification card to coincide with the then revised legal age to purchase and consume alcoholic beverages (19 years). In compliance with Executive Order No. 66(1978), all of the specific sections in Subchapter 40 have been reviewed within the Division and at a meeting of County Clerks and their representatives on March 21, 1985. The proposed readoption with amendments incorporates the comments of the County Clerks and the Division's analysis of the regulations and applicable law.

Social Impact

The elimination of alcoholic beverage sales and consumption involving persons under the legal age is a basic, primary object of alcoholic beverage control. Establishing a mechanism whereby those of lawful age can acquire identification to be used to verify age and which the retail seller can rely upon in its sales transaction serves the public's interest in this sensitive area of responsibility. The regulations in Subchapter 40 clarify the ABC identification card issuance procedure and the consequences of proper and improper use. When properly utilized, the card is a fair tool for retail licensees and youthful appearing 21 year olds to allow them to exercise their lawful privileges, be that to sell or to purchase alcoholic beverages.

The ability to lawfully acquire an ABC identification card is of importance to the thousands of citizens who apply for same. In 1984, the 21 County Clerks issued 7,395 cards. Thousands of retail licensees were able to resolve doubts about patrons' age by review of these cards. The greatest negative social concern involving these cards is the potential for fraudulent issuance, counterfeit issuance or alterations to cards lawfully issued to someone else. The regulation and certain amendments proposed thereto seek to enhance the reliability of the card by making these practices more difficult to succeed.

Economic Impact

The cost to an applicant for an ABC identification card is a modest amount and, at best, encompasses the actual costs to the County Clerk to issue these cards. Because of the different statutory provisions concerning fees, some County Clerks did

not charge the \$4.00 amount, but rather, the \$2.00 amount set forth in the regulation and N.J.S.A. 33:1-81.5. Thus the total amount of fees collected for the issuance of 7,395 cards by the various County Clerks was not uniform. The clarification of this issue has been resolved by an interpretation from the Division of Law and the appropriate fee amount of \$4.00 is now set forth in the regulation.

Full text of the proposed readoption without change appears in the New Jersey Administrative Code at N.J.A.C. 13:2-40.3 and 40.4.

Full text of the proposed readoption with amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

13:2-40.1 Form of application; contents

Application for an identification card by residents of a county who shall have attained the legal age for purchase and consumption of alcoholic beverages may be filed with the county clerk in the county wherein said applicant resides and shall be in the following form:

State of New Jersey, County of _____
IDENTIFICATION CARD
APPLICATION

TO: County Clerk of _____ County, New Jersey.
The undersigned hereby applies for an identification card as proof of age, and submits the required fee of [2.00] **\$4.00**.

1. Full name of applicant _____
(First) Middle (Last)
2. Residence address _____
3. Height _____ Weight _____
(Ft.) (In.)
Color of Eyes _____ Color of Hair _____
4. Date of Birth _____ [Date of 18th Birthday _____]
5. Place of Birth _____
(Municipality) (County) (State)
6. Father's name _____
(First) (Middle) (Last)
7. Mother's Maiden Name _____
(First) (Middle) Last
8. The applicant presents one **or more** of the following certificates to establish his or her age (check appropriate line):
 Birth Certificate
 Naturalization Certificate
 Voter Registration Certificate
 Other ()
9. The applicant submits two (2) recent [black and white] **color** photographs, approximately 1½ inches by 1½ inches in size, of himself or herself, full face, without hat.
10. Has the applicant ever previously applied for an identification card?
 If so, state the details thereof _____

WARNING: Any person not entitled thereto who shall have unlawfully procured or have issued **or transferred** to him **or her** an identification card shall be guilty of a [misdemeanor] **disorderly persons offense** and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

The applicant hereby certifies that all of the foregoing information and statements are true in all respects.

11. Signature of applicant _____
(Date)

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12. Signature witnessed by: _____
(County Clerk or Duly Authorized Deputy) (Date)

DO NOT WRITE BELOW THIS LINE

Identification Card Number _____
Date of Issuance _____
Issued by _____
Photo
1 1/2" x 1 1/2"

13:2-40.2 Establishment of age

The applicant shall to the satisfaction of the county clerk establish his or her age by presentation of a birth certificate, [or] naturalization certificate [, and] or any other proof required by the county clerk, which after examination shall be returned to the applicant.

13:2-40.5 Identification card; form

The identification card shall be [3 3/4 3 1/2 inches wide by 2 1/2 inches high in size, of white index bristol time card stock or equal, with black print, in the following form:

FRONT SIDE
[(ACTUAL SIZE)]

STATE OF NEW JERSEY, County of _____
IDENTIFICATION CARD NO. _____
Photo
1 1/2" x 1 1/2"
This is to certify that _____
who resides at _____

has furnished to the undersigned satisfactory
evidence of having attained the age of [18]
21 years
Height _____ Weight _____
Color of Hair _____ Color of Eyes _____
ATTEST: _____
County Clerk or Duly Authorized Deputy

Date of Birth _____
Date of Issuance _____
Holder's Signature _____
[NOT TO BE ACCEPTED BY ALCOHOLIC
BEVERAGE LICENSEES AS "WRITTEN REPRESENTATION" OF AGE]
(See Reverse Side)

REVERSE SIDE
[(ACTUAL SIZE)]

WARNING:
It shall be unlawful for the owner of [this] an identification card to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer an identification card for the purpose of aiding the transferee to obtain alcoholic beverages and any person not entitled thereto who shall have unlawfully

procured or have issued or transferred to him or her [, as aforesaid,] an identification card shall be guilty of a [misdemeanor] **disorderly persons offense and, upon conviction thereof**, shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

ALCOHOLIC BEVERAGE LICENSEES NOTE:

The [fact of the possession of] presentation of [an] this identification card by any person in connection with the purchase or attempted purchase of any alcoholic beverage [from any alcoholic beverage licensee shall not be deemed to relieve such licensee of the obligations, responsibilities, or liabilities imposed by law upon such license. N.J.S.A. 33:1-81.8.

This identification card shall not be deemed to constitute a "writing" within the meaning of the laws of 1939, Chapter 228, sections 1(a) or 1(c) (N.J.S.A. 33:1-77(a) or (c)).] **shall constitute a defense to a charge under N.J.S.A. 33:1-77, if the retail licensee makes the sale in good faith reliance on this card and the appearance of the purchaser was such that an ordinary prudent person would believe the card holder to be of legal age.**

13:2-40.6 Issuance of card; procedure

One of the submitted photographs of the applicant shall be mounted on an identification card in the upper left portion of the front side thereof. The card shall be signed by the applicant in the presence of the county clerk or his duly authorized deputy, who shall also sign the card. All cards are to be numbered consecutively. **The official County seal shall be affixed so that it overlaps the photograph and a portion of the printed card.** The card shall be laminated in plastic, 10 gauge on each side, and delivered to the applicant. The other photograph of the applicant shall be attached to the application, which shall indicate the date of issuance of the card, the number thereof and the name of the person who issued it [, and which]. **A permanent record thereof shall be retained [and kept on file] in the county clerk's office. [as a permanent record.]**

13:2-40.7 Fees

A fee of [\$2.00] **\$4.00** shall be paid to the county clerk for the issuance of an original identification card. In the event the card is lost, stolen or destroyed, the holder thereof may apply for a [new] **replacement** card with new number by filing a new application in the same manner as for an original, upon payment of an additional [\$2.00] **\$4.00** fee and upon making an affidavit as to the loss, theft or destruction of the original card. **Every replacement card shall prominently have stamped, typed or otherwise imprinted on the card the word "Duplicate".**

(a)

DIVISION OF CONSUMER AFFAIRS

Public Moving and Warehousing
Administrative Rules

Proposed New Rules: N.J.A.C. 13:44D

Authorized By: James J. Barry, Jr., Director, Division of Consumer Affairs.

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Authority: N.J.S.A. 45:14D-6.
Proposal Number: PRN 1985-314.

Submit comments by July 3, 1985 to:
Diane I. Romano, Executive Secretary
Advisory Board of Public Movers and
Warehousemen
1100 Raymond Boulevard, Room 511
Newark, New Jersey 07102

The agency proposal follows:

Summary

Pursuant to the "Public Movers and Warehousemen Licensing Act", N.J.S.A. 45:14D-1 et seq., the Director, Division of Consumer Affairs is required to regulate persons, corporations, etc. who engage in the business of public moving and storage, and is authorized to promulgate rules to effectuate the purposes of the Act. These proposed new rules will facilitate the implementation of the Act.

The proposed rules formalize the procedures currently utilized by the Director and the Advisory Board of Public Movers and Warehousemen in carrying out their regulatory functions and further set forth standards of conduct which a licensee shall be required to comply with.

N.J.A.C. 13:44D-1.1 is a definitional section. Words and phrases pertaining to the public moving and warehousing profession and found in these proposed rules are defined and explained.

Subchapter 2 sets forth the requirements for licensure as a public mover and/or warehouseman, including the procurement of insurance coverage, the designation of an agent for service of process, etc., filing of a tariff, and fees to be paid. Requirements as to the display of the license or facsimile thereof are set forth, as are license renewal procedures. Additionally, this rule provides that the licensee must notify the Director within 30 days of any change of address, business name or business telephone number.

N.J.A.C. 13:44D-3.1 provides for the filing of a tariff with the Director and details what is to be included in the tariff and what the format of the tariff should be. Additionally this rule provides for the auditing of bills of lading by the public mover to ensure that the tariff is complied with.

N.J.A.C. 13:44D-4.1 provides for the issuance to the shipper of certain forms and written information by the public mover and/or warehouseman.

N.J.A.C. 13:44D-4.2 sets forth the requirements relating to insurance coverage, including the minimum amounts of insurance that must be procured. The forms and procedures for filing proof of this coverage with the Director are also set forth. The minimum legal liability of a public mover and/or warehouseman is set at sixty cents per pound per article.

N.J.A.C. 13:44D-4.3 requires that estimates be in writing and based on a physical inspection of the premises and goods to be moved or stored.

N.J.A.C. 13:44D-4.4 addresses the situations in which subcontracting of a public mover's services may be allowed.

N.J.A.C. 13:44D-4.5 provides for the use by a public mover of an owner/operator and sets forth the guidelines that direct such use.

N.J.A.C. 13:44D-4.6 provides that it shall be occupational misconduct for a public mover to fail to perform moving services in certain circumstances and defines those circumstances.

N.J.A.C. 13:44D-4.7 requires the use in the actual move of only such labor and equipment as specified in the original

estimate unless otherwise approved by the shipper and the public mover.

N.J.A.C. 13:44D-4.8 sets forth the standards to be complied with by one engaged in the business of storage in this State.

Subchapter 5 sets forth suggested forms to be utilized by the public mover and/or warehouseman.

Social Impact

These rules will have a significant and salutary impact on both the consumer and the occupation of moving and storage. Previously, the public knew very little about the moving and storage industry. Henceforth consumers will know in advance what proper moving and storage services should consist of and what their rights are when they use a public mover and/or warehouseman.

These rules will have a favorable impact on the moving and storage industry as well, as the rules will serve to explain many of the long-standing interpretations of the law made by the Director and the Advisory Board. By providing such information to both the consumer and the public mover and/or warehouseman, these rules will help assure the informed delivery of services.

Economic Impact

The proposed rules should have minimal impact upon the public, no greater than that which might be associated with better-informed decision making in choosing a public mover and/or warehouseman. Initially it is possible that some public movers and/or warehousemen may raise their scheduled fees in their tariffs in order to comply with certain requirements regarding forms, insurance and equipment. However, in the long run this impact should be of little effect. Any costs would be substantially counterbalanced by the great benefits to the consumer.

Full text of the proposed new rule follows.

**CHAPTER 44D
PUBLIC MOVING AND WAREHOUSING**

SUBCHAPTER 1. DEFINITIONS

13:44D-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Agent" means the appointee of the public mover or warehouseman who shall be responsible for the compilation and filing of the mover and/or warehouseman's tariff and who shall be a party upon whom notice may be served along with the principal public mover or warehouseman. The agent's responsibility shall be limited to the filing of the tariff and not necessarily to its contents.

"Bill of lading" means a contract of carriage and a receipt given to the shipper by the public mover for all of the cargo picked up from the shipper by the public mover and moved to another point.

"Brochure" means a printed, pamphlet-typed informational bulletin to be provided to each prospective shipper by the public mover and/or warehouseman.

"Estimate" means an approximation made by the public mover and/or warehouseman of the cost of the shipment and/or storage.

"Exceptions to a tariff" shall mean and indicate those instances in which the specified rates and/or conditions set forth by the public mover and/or warehouseman shall differ

from the specified rates and conditions published and set forth in a joint tariff.

"Individual tariffs" means and are those tariffs that contain and indicate the intrastate rates and conditions of only one public mover and/or warehouseman.

"Joint tariff" means a tariff participated in by more than one public mover and/or warehouseman and is made by arrangements or agreements between such public movers and/or warehousemen and their tariff filing agent.

"Order for service" means a form which a public mover and/or warehouseman shall give to the shipper at the time of the initial contact.

"Owner/Operator" means a person who owns his or her own vehicle and leases his or her services to a second person or company for compensation to perform moving services for and using the forms and bill of lading of the second person or company.

"Shipper" means the person or company contracting with a public mover and/or warehouseman for moving and/or storage services.

"Tariff" means a publication stating the rates, charges, classification ratings and regulations of the public mover and/or warehouseman.

"Warehouse receipt" means a receipt given to the shipper by a warehouseman for all of the shipper's goods stored in the warehouseman's facility.

SUBCHAPTER 2. LICENSE GENERALLY

13:44D-2.1 License to engage in the business of public moving and/or storage

(a) No license to engage in the business of public moving and/or storage shall be issued or remain in effect unless there shall be on file with the Director of the Division of Consumer Affairs:

1. A properly completed application for licensure accompanied by the required fee;
2. Certificates of insurance covering the motor vehicle equipment, cargo, storage facilities and property being held in storage conditioned or providing for the payment of all judgments recovered against a public mover and/or warehouseman;
3. Designation of agent; and
4. A properly executed, filed tariff.

(b) The initial license shall be issued to a qualified applicant if it is found that the applicant is fit, willing and able to perform the service of a public mover and/or warehouseman, to conform to the provisions of the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq., and pays the required fee. Requests for the renewal of a license shall be on such forms as may be specified by the Director and accompanied by the required renewal fee.

(c) All licenses issued by the Director shall expire on September 30 of each year or such other date as may from time to time be designated.

(d) The original license shall be prominently displayed by the public mover and or warehouseman at his principal place of business with copies displayed at all other such offices, warehouses and/or facilities maintained by the licensee within this State.

(e) A duly certified copy of the license issued by the Director shall be carried on each truck, tractor, trailer or semi-trailer or combination thereof at all times when the vehicle is being used in the performance of moving and/or storage services.

(f) A decal issued by the Director indicating that the public mover and/or warehouseman is licensed in this State shall be

displayed on the driver's side door of each power unit registered and performing intrastate moving and/or storage services, including all vehicles used by an owner/operator on contract to a public mover.

13:44D-2.2 Change of address, business name or telephone number

(a) A licensed public mover and/or warehouseman shall notify the Director of the Division of Consumer Affairs in writing of any change of address or business name from that currently registered with the Director and shown on the most recently issued license. Such notice shall be given not later than 30 days following the change of address or business name.

(b) A licensed public mover and/or warehouseman shall notify the Director of the Division of Consumer Affairs in writing of any change of business telephone number from that currently registered with the Director. Such notice shall be given not later than 30 days following the change of telephone number.

13:44D-2.3 Designation of agent

(a) No public mover and/or warehouseman shall operate under a license unless and until there has been filed with the Director of the Division of Consumer Affairs, on the specified form, a designation of agent, street address and municipality upon whom service of process, notices and/or orders may be made pursuant to N.J.S.A. 45:14D-1 et seq.

(b) The designated agent shall be an individual, resident of the State of New Jersey, and such designee may, from time to time, be changed by filing the specified form.

(c) The Director shall be notified immediately upon change of designated agent.

13:44D-2.4 Fees

(a) Fees for initial licenses, renewal licenses and copies of licenses shall be as follows:

1. Initial license—\$225.00
2. Renewal licenses (one year)—\$225.00
3. Copy of license:
 - i. First and second copy—\$25.00 each
 - ii. Third and each additional copy—\$10.00 each.

SUBCHAPTER 3. TARIFFS

13:44D-3.1 Tariffs

(a) Every public mover and/or warehouseman shall file with the Director of the Division of Consumer Affairs and keep open for public inspection in each office and/or facility where a request for moving and/or storage services may be made a tariff or tariffs indicating the rates, charges, classification ratings and regulations of the public mover and/or warehouseman. No regulated service shall be rendered unless specifically provided for in the tariff. The tariff shall be readily accessible to the public at all times during normal business hours and on demand by any person shall be produced for examination immediately.

(b) The tariff or tariffs of public movers and/or warehousemen shall be filed with the Director of the Division of Consumer Affairs semi-annually by no later than April 1 and October 1 to be effective May 1 and November 1 respectively, and shall conform to the following requirements:

1. Tariffs shall be printed on sheets eight and one-half inches wide and 11 inches long;
2. There shall be a one and one-half inch margin on the inside or left-hand side, three hole punches in the left-hand margin in the normal loose-leaf pattern;

3. The tariff shall be permanently bound or of a loose-leaf style;

4. The printing shall be of a legible size not less than eight point and must be of a permanent quality;

5. The printing shall be in ink, typewritten or reproduced by a photographic process on hard finish durable paper;

6. No officially filed sheets or other sheets to be submitted or used by the public mover and/or warehouseman shall contain any corrections or erasures;

7. On the top of each officially filed sheet or other sheet to be submitted or used by the public mover and/or warehouseman shall appear the company name and page number in the right-hand corner and the date of issue and effective date in the left-hand corner;

8. No exception to these rules shall be made or permitted except with the prior written approval of the Director.

(c) Each tariff shall consist of the following:

1. A standard title page which shall show the complete name and address of the company, the type of service for which the tariff is applicable (public moving and warehousing, public moving only, warehousing only), the issue and effective dates of the tariff and the officer or publishing agent issuing the tariff;

2. General and other indexes including the page number and item number on or by which each subject may be found, and a complete index of all specific commodities, if any, for which specific rates are indicated, together with reference to the page numbers and item numbers on and by which they are shown;

3. Explanations of abbreviations and reference marks shall be shown as they relate to the tariff;

4. Standard terms and conditions shall indicate in clear and specific language all services and privileges covered by the rates. These standard terms and conditions shall be a separate and distinct part of the tariff;

5. Rate schedules shall include but not be limited to the following:

i. For public movers: combination weight and mileage rates, hourly rates, and/or other rates.

ii. For warehousemen: monthly, quarterly, and/or other rates; and such other fees as may be charged.

iii. The rates for each separate and distinct class of service rendered shall be filed as a separate schedule and shall, whenever practicable, begin on a separate sheet. The schedule of rates for each class of service shall have assigned to it a page or section number so as to facilitate reference to such schedules.

6. The bill of lading regularly used by the public mover and/or warehousemen;

7. The warehouse receipt regularly used by the public mover and/or warehouseman.

(d) A public mover and/or warehouseman may join with other public movers and/or warehousemen in the publication of a joint tariff or may authorize a tariff agent to compile and issue its tariff and, where such authorization is given, shall file a power of attorney with the Director not less than 30 days prior to the proposed effective date of the tariff. In the event a public mover and/or warehouseman issues a power of attorney to a tariff filing agent, such power of attorney shall specifically set forth the authority given by the public mover and/or warehouseman to said agent. Such power of attorney may not be revoked except upon 30 days' prior written notice to the Director and to the agent or public mover and/or warehouseman to which the power of attorney was issued.

1. Every participant in a joint tariff shall have the right to adopt any and all specified rates and/or conditions that shall

differ from those published in the joint tariff, subject to the approval of the Director.

2. The index of the joint tariff shall include a reference to an alphabetical list of all participating public movers and/or warehousemen, their New Jersey addresses and license numbers. Directly below or adjacent to the name of each public mover and/or warehouseman shall be a list of any and all exceptions to the tariff such public mover and/or warehouseman adopts. These exceptions, which shall not be discriminatory or preferential in any way, shall apply in all cases.

(e) Corrections, if any, in the filed tariff shall be permitted only between the filing date and the effective date of the tariff and shall be subject to the written approval of the Director.

(f) No public mover or warehouseman shall charge, demand, collect or receive a greater or lesser compensation for his service than specified in the tariff, except that discounts and rebates may be provided in connection with the furnishing of moving, storage or accessorial services to any person who is 62 years or older provided that such discounts and/or rebates are provided for in the filed tariff.

(g) All public movers shall be required to audit all bills of lading employed in intrastate moves within seven days of the completion of said move.

SUBCHAPTER 4. GENERAL PROVISIONS

13:44D-4.1 Bill of lading, brochure, estimated cost of services form, order for service form, warehouse receipt; issuance

(a) Every public mover and/or warehouseman shall issue to each shipper a:

1. Brochure which shall contain detailed explanations of:

i. Estimates;

ii. The public mover's and/or warehouseman's responsibility for loss and/or damage;

iii. Accessorial services including but not limited to packing, payment, delivery, exclusive use of vehicles, expedited services, small shipments and other services rendered by the public mover and/or warehouseman; and

iv. The shipper's rights to and procedures for filing a claim for any articles lost or damaged while in transit or storage; and an

2. Estimated cost of services form which shall not serve as the actual contract between the shipper and the public mover and/or warehouseman but shall be given as an educated prediction of the cost for the services to be rendered. The estimate for all services provided by the public mover and/or warehouseman shall be in writing and shall be fully completed in all respects, and shall be rendered only after a physical inspection by the public mover and/or warehouseman. A sample estimated cost of services form is provided in this Chapter. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein. This form shall also include a statement, in bold face type, indicating that the tariff in effect at the time of the shipment shall govern the final charges for the shipment; and an

3. Order for services form which shall include but not be limited to all pertinent information such as the date of shipment, storage arrangements, points of origin and destination, the date of delivery, a notice indicating that the shipper acknowledges receipt of the public mover's and/or warehouseman's brochure and the order for insurance. The form shall be fully completed in all respects. No charges shall be affixed to this form. A sample order for service form is provided in

this Chapter. The public mover and/or warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein.

(b) Every public mover shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a:

1. Bill of lading which shall indicate the date of shipment, the names and addresses of the public mover and shipper, the license number of the public mover, an address or telephone number where the public mover and shipper can be contacted during shipment, the points of origin and destination and the released or declared value of the shipment. The bill of lading issued to the shipper shall be fully completed in all respects. A sample bill of lading is provided in this Chapter. The public mover may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein. The bill of lading shall be included in the tariff of the public mover.

(c) Every warehouseman shall also issue to each shipper, in addition to the brochure, estimated cost of services form and order for services form, a:

1. Warehouse receipt which shall indicate the date of issue, the names and addresses of the warehouseman and shipper, the license number of the warehouseman, an address or telephone number where the warehouseman and shipper can be contacted during the storage period, a description of the goods and location of the warehouse where the goods are to be stored. The warehouse receipt issued to the shipper shall be fully completed in all respects. A sample warehouse receipt is provided in this Chapter. The warehouseman may adopt any form substantially similar to the suggested form outlined herein and in the sample; said form shall contain all of the information outlined herein. The warehouse receipt shall be included in the tariff of the warehouseman.

13:44D-4.2 Legal liability and insurance

(a) The minimum legal liability of a public mover and/or warehouseman shall be sixty cents (\$.60) per pound per article.

(b) Every licensed public mover and/or warehouseman transporting and/or storing property for compensation shall secure, maintain and file with the Director a certificate of insurance from an insurance company authorized and licensed to do business in this State covering the motor vehicle equipment, cargo, storage facilities and property being held in storage for the amounts set forth below, conditioned or providing for payment of all judgments recovered against such public mover and/or warehouseman.

(c) The minimum amounts of insurance for public movers are hereby prescribed as follows:

1. Legal liability coverage at the rate of sixty cents (\$.60) per pound per article.

2. Bodily injury liability, property damage liability:

i. Limit for bodily injuries to or death of one person—\$25,000.00;

ii. Limit for bodily injuries to or death of all persons injured or killed in any one accident—\$100,000.00, subject to a maximum of \$25,000.00 for bodily injuries or death of one person;

iii. Limit for loss or damage in any one accident to property of others (excluding cargo)—\$10,000.00.

3. Cargo liability:

i. For loss or damage to property being transported (cargo liability insurance) on any one vehicle—\$5,000.00 per accident;

ii. For loss or damage to or aggregate of losses or damages of or to property occurring at any one time and place—\$10,000.00.

(d) The minimum amounts of insurance for warehousemen are hereby prescribed as follows:

1. Legal liability coverage at the rate of sixty cents (\$.60) per pound per article.

(e) All filings shall be executed in triplicate on forms substantially similar to those determined by the National Association of Regulatory and Utilities Commissioners (NARUC) and promulgated by the Interstate Commerce Commission (ICC). Said filings shall include the following:

1. Bodily injury and property damage liability on Form E;

2. Cargo Insurance on Form H; and

3. Notice of Cancellation of insurance policies on Form K.

(f) Every certificate of insurance shall contain a provision for continuing liability and shall provide that cancellation thereof shall not be effective unless and until at least 30 days' notice of intention to cancel in writing has been received by the Director.

(g) All required insurance filings shall be made at the Office of the Advisory Board of Public Movers and Warehousemen, 1100 Raymond Boulevard, Newark, New Jersey 07102.

13:44D-4.3 Estimates; inspection of premises

(a) No public mover and/or warehouseman shall provide a shipper with an estimate for moving and/or storage services without first having conducted a physical inspection of the premises and goods to be moved and/or stored.

(b) All estimates for moving services shall be in writing and based upon the public mover's tariff.

(c) No public mover and/or warehouseman shall be permitted to employ an estimator or broker who also represents any other public mover and/or warehouseman.

13:44D-4.4 Sub-contracting

(a) A public mover shall not sub-contract or assign an obligation to provide moving services except under the following circumstances:

1. If a public mover should, due to forces and circumstances beyond his control, such as acts of nature or labor stoppages, be unable to perform a move on the promised date of service, and that public mover offers the shipper the option of employing a public mover chosen by the originally contracted-for public mover, then said public mover may sub-contract with another public mover in order to preserve the integrity of the contract. Under no circumstances may a public mover sub-contract as herein provided without having obtained the shipper's prior written approval.

2. No transfers of bills of lading effected pursuant to this subchapter shall be permitted without the shipper's prior written approval.

13:44D-4.5 Use or employment of owner/operator

(a) If a public mover intends to use or employ the services of an owner/operator, the shipper shall be so advised. In such instances, the public mover shall, in advance and in writing, provide the shipper with the following information:

1. The definition of an owner/operator;

2. The nature of the relationship between the public mover and the owner/operator; and

3. The complete name, address and telephone number of the owner/operator.

(b) Any public mover who uses or employs the services of an owner/operator shall remain responsible for the services provided by the owner/operator.

PROPOSALS

Interested Persons see Inside Front Cover

LAW AND PUBLIC SAFETY

13:44D-4.6 Failure to perform moving services

(a) A public mover shall be deemed to have engaged in occupational misconduct if, on the promised date of service, said public mover fails to:

1. Arrive at the shipper's premises and perform all contracted-for moving services; or

2. Notify the shipper of the impossibility of meeting the promised date of service by written notice delivered or telephone call made by no later than 12:00 o'clock noon, or at the earliest time practicable under the circumstances, on the promised date of service, offering the shipper the option of:

- i. Accepting service at a specified later time; or
- ii. Allowing a sub-contractor to perform the moving services. In the event this option is accepted, the shipper shall be charged according to the lesser of the two public movers' tariffs; or
- iii. Cancelling the moving contract.

(b) For the purposes of this rule, "impossibility of meeting the promised date of service" shall refer to forces beyond the control of the public mover including but not limited to such things as acts of nature and labor stoppage.

13:44D-4.7 Labor and equipment

(a) A public mover shall supply only such labor and equipment which would reasonably be expected to be necessary to properly perform the moving services indicated on the original estimated cost of services form. Any changes in the number of men and/or amount or type of equipment to be employed or utilized must be approved in writing and in advance by the shipper and the public mover.

13:44D-4.8 Warehousing

(a) The exact address of the warehouse where the shipper's goods are to be stored shall be indicated on the estimated cost of services form, bill of lading, if any, and warehouse receipt.

In the event the shipper's goods are to be moved, in whole or in part, to another warehouse, the public mover and/or warehouseman shall, in advance of the transfer, notify and provide the shipper with the address of the proposed warehouse and any differences in insurance coverage between the contracted-for warehouse and the proposed warehouse. The public mover and/or warehouseman shall also in advance of any intended transfer secure the shipper's written approval or grant the shipper the option of removing his possessions without penalty.

(b) Any public mover and/or warehouseman utilizing a self-storage facility shall so notify the shipper before entering into a contract for storage.

(c) A public mover and/or warehouseman shall give the shipper no less than 30 days' written notice before increasing the fees to be charged for storage and shall provide the shipper the option of removing goods from storage without penalty prior to increasing such fees.

(d) A public mover and/or warehouseman shall provide the shipper access to his or her possessions and goods upon 48 hours' notice to the public mover and/or warehouseman. The public mover and/or warehouseman may require payment of all outstanding charges and access fees, as provided by his tariffs, before allowing the shipper access.

SUBCHAPTER 5. FORMS

13:44D-5.1 Combined uniform household goods bill of lading and freight bill.

13:44D-5.2 Estimated cost of services form.

13:44D-5.3 Order for service form.

13:44D-5.4 Warehouse Receipt.

LAW AND PUBLIC SAFETY

PROPOSALS

LICENSE NO.

COMBINED UNIFORM HOUSEHOLD GOODS BILL OF LADING AND FREIGHT BILL

DATE OF ORDER

ORDER NO.

RECEIVED, SUBJECT TO TARIFFS, RULES AND REGULATIONS, INCLUDING ALL TERMS AND CONDITIONS PRINTED OR STAMPED HEREON OR ON THE REVERSE SIDE HEREOF IN EFFECT ON THE DATE OF ISSUE OF THIS BILL OF LADING.

SHIPPER	TEL. NO.	TO	APT.
FROM	APT.	CITY	COUNTY STATE
CITY	COUNTY STATE	OTHER STOPS	
REQUESTED PACKING DATE	REQUESTED LOADING DATE	REQUESTED DELIVERY DATE	

VALUATION

The agreed or declared value of the property is hereby specifically stated by the customer (shipper) and confirmed by their signature hereon to be NOT exceeding 60 () cents per pound per article unless specifically excepted. The Customer (Shipper) hereby declares valuations in excess of the above limits on the following articles:

Article	Value

SPECIAL SERVICES

- EXPEDITED SERVICE ORDERED BY SHIPPER DELIVERED ON OR BEFORE _____
- SHIPMENT COMPLETELY OCCUPIED A _____ CU. FT. VEHICLE
- EXCLUSIVE USE OF A _____ CU. FT. VEHICLE ORDERED
- SPACE RESERVATION _____ CU. FT. ORDERED
- AIR COND. WASHER

PAYMENT OF CHARGES

ALL CHARGES TO BE PAID IN CASH, MONEY ORDER OR CERTIFIED CHECK BEFORE PROPERTY IS RELINQUISHED BY CARRIER OR CARRIER SHALL BILL:

NAME _____

ADDRESS _____

CITY & STATE _____

ATTENTION OF _____

CITY & STATE _____
 (CREDIT EXTENDED ONLY TO COMMERCIAL ACCOUNTS. PURCHASE ORDER OR LETTER AUTHORIZING CHARGE TO ACCOMPANY THIS ORDER.)

THE ABOVE SERVICES WERE RENDERED AND ALL GOODS DELIVERED, IN GOOD ORDER, EXCEPT AS NOTED:

SIGNED _____
TO BE SIGNED BY SHIPPER AFTER SERVICES ARE COMPLETED
 SIGNATURE OF CARRIER OR AUTHORIZED AGENT

TIME BASIS AND SERVICES

MOVING RATE:	VANS	MEN @ \$	PER HOUR
TIME RECORD (WORKING TIME)		TOTAL WORKING HOURS	
START _____	A.M.	SHIPPER'S INITIALS _____	
FINISH _____	P.M.	SHIPPER'S INITIALS _____	
TIME OFF _____			
MOVING _____	HOURS @ \$	PER HOUR	
OVERTIME _____	HOURS @ \$	PER HOUR	
TRAVEL TIME _____	HOURS @ \$	PER HOUR	

WEIGHT BASIS AND SERVICES

GROSS _____	TARE _____	NET _____	RATE _____
TRANSPORTATION _____ MILES			
ADD'TL TRANSPORTATION CHARGE _____			
EXTRA PICKUPS OR DELIVERIES: NO. _____			
ELEVATOR OR STAIRS CARRY _____			
PIANO HANDLING: _____ LOWER OR HOIST _____			
ADD'TL LABOR: _____ MEN FOR _____ MAN HOURS			
OTHER _____			

QTY.	PACKING & UNPACKING	CU. FT.	RATE	EXTENSION
	BARRELS OR DISH PACKS	5		
	BOXES, WOODEN			
	CARTONS	1 1/2		
	CARTONS	3		
	CARTONS	4 1/2		
	CARTONS	6		
	CARTONS			
	MIRROR OR PICTURE CARTONS			
	MIRROR OR PICTURE CARTONS			
	WARDROBES			
	MATTRESS CARTON OR COVERS			
	CRATES			

TOTAL PACKING CHARGES →

OTHER CHARGES _____

TRANSIT OR DEPOSITORY INSURANCE \$ _____ @ _____ PER \$100.00

TOTAL CHARGES _____

DEPOSIT _____ **BALANCE DUE** _____

SHIPPER'S SIGNATURE _____

BILL OF LADING

PROPOSALS

Interested Persons see Inside Front Cover

LAW AND PUBLIC SAFETY

ESTIMATED COST OF SERVICES

LICENSE NO.

IMPORTANT NOTICE: The charges indicated herein are estimated charges only. All charges are subject to actual time plus travel or actual weight, whichever is applicable. Unless a greater value is declared by shipper, goods are released to the carrier at a valuation of 60¢ per pound per article. Charges are payable by cash, money order or certified check upon delivery of goods. Credit extended only to Commercial Accounts. Purchase Order or letter authorizing charge must accompany the order.

DATE OF ESTIMATE _____ REQUESTED PACKING DATE _____ REQUESTED MOVING DATE _____ PHONE _____
 NAME _____ TO _____
 FROM _____ FLOOR _____ ADDRESS _____ FLOOR _____
 CITY _____ APT. _____ CITY _____ APT. _____

OTHER STOPS

TIME BASIS (APPLY WHEN SHIPMENTS MOVE 25 MILES OR LESS)	FURNISH _____ VAN AND _____ MEN @ _____ PER HOUR (ESTIMATED _____ HOURS) _____	
	TRAVEL TIME _____	
	PACKING AND UNPACKING (SEE BELOW) _____	
	LABOR CHARGES _____ MEN FOR _____ HOURS @ _____ PER MAN PER HOUR _____	
	HOISTING OR LOWERING _____	
	OTHER _____	
	TRANSIT INSURANCE \$ _____ @ _____ PER HUNDRED DOLLARS _____	
ESTIMATED TOTAL CHARGES		

WEIGHT BASIS (APPLY WHEN SHIPMENTS MOVE MORE THAN 25 MILES)	ESTIMATED WEIGHT _____ MILES _____ RATE PER 100 LBS. _____	
	ADDITIONAL TRANSPORTATION _____	
	EXTRA PICK UP OR DELIVERY AT _____	
	PACKING AND UNPACKING (SEE BELOW) _____	
	LABOR CHARGES _____ MEN FOR _____ HOURS @ _____ PER MAN PER HOUR _____	
	ELEVATOR OR STAIR CARRY CHARGES _____	
	OVERTIME LOADING OR UNLOADING _____	
	PIANO HANDLING _____	
	HOISTING OR LOWERING _____	
OTHER _____		
TRANSIT INSURANCE \$ _____ @ _____ PER HUNDRED DOLLARS _____		
ESTIMATED TOTAL CHARGES		

ESTIMATED COST OF PACKING AND UNPACKING SERVICES				
QTY.	PACKED BY	UNPACK BY	CU. FT.	EXTENSION
	BARRELS — DISH PAKS		5	
	BOXES, WOODEN			
	CARTONS		1 1/2	
	CARTONS		3	
	CARTONS		4 1/2	
	CARTONS		6	
	MIRROR CARTONS			
	MIRROR CARTONS			
	WARDROBES			
	MATTRESS CARTON OR COVERS			
	CRATES			
TOTAL ESTIMATED PACKING CHARGES				

SPECIAL INSTRUCTIONS

(THIS ESTIMATED COST OF SERVICES IS NOT TO BE SIGNED BY SHIPPER)

SIGNATURE AND TITLE OF ESTIMATOR

LICENSE NO.

ORDER FOR SERVICE

DATE OF ORDER

ORDER NO.

THE SHIPPER HEREBY ORDERS THE SERVICES SPECIFIED BELOW, SUBJECT TO ALL CONDITIONS PRINTED HEREON AND ON BACK HEREOF INCLUDING AGREED OR DECLARED VALUE AND SUBJECT TO THE TARIFFS OF THE CARRIER IN EFFECT ON THE DAY THE SERVICES ARE RENDERED AND THE BILL OF LADING WHICH IS ATTACHED HERETO AND SIGNED TOGETHER WITH THIS ORDER FOR SERVICE BY THE SHIPPER.

SHIPPER	TEL. NO.	TO	APT.	
FROM	APT.	CITY	COUNTY	STATE
CITY	COUNTY	STATE	OTHER STOPS	
REQUESTED PACKING DATE	REQUESTED LOADING DATE	REQUESTED DELIVERY DATE		

VALUATION

The agreed or declared value of the property is hereby specifically stated by the customer (shipper) and confirmed by their signature hereon to be NOT exceeding 60 () cents per pound per article unless specifically excepted. The Customer (Shipper) hereby declares valuations in excess of the above limits on the following articles:

Article	Value

SPECIAL SERVICES

- EXPEDITED SERVICE ORDERED BY SHIPPER DELIVERED ON OR BEFORE _____
- SHIPMENT COMPLETELY OCCUPIED A _____ CU. FT. VEHICLE
- EXCLUSIVE USE OF A _____ CU. FT. VEHICLE ORDERED
- SPACE RESERVATION _____ CU. FT. ORDERED
- AIR COND. WASHER
- _____ _____

PAYMENT OF CHARGES

ALL CHARGES TO BE PAID IN CASH, MONEY ORDER OR CERTIFIED CHECK BEFORE PROPERTY IS RELINQUISHED BY CARRIER OR CARRIER SHALL BILL:

NAME _____

ADDRESS _____

CITY & STATE _____

ATTENTION OF _____

CITY & STATE _____

(CREDIT EXTENDED ONLY TO COMMERCIAL ACCOUNTS. PURCHASE ORDER OR LETTER AUTHORIZING CHARGE TO ACCOMPANY THIS ORDER.)

IMPORTANT NOTICE

ANY ESTIMATE OF CHARGES PREVIOUSLY FURNISHED BY THE CARRIER IS NOT A GUARANTEE OR REPRESENTATION THAT THE ACTUAL CHARGES WILL NOT BE MORE THAN THE AMOUNT OF THE ESTIMATE.

THE SHIPPER ACKNOWLEDGES RECEIPT OF BROCHURE ENTITLED "IMPORTANT NOTICE TO CONSUMERS UTILIZING PUBLIC MOVERS" AS ORDERED BY THE BOARD OF PUBLIC MOVERS AND WAREHOUSEMEN, STATE OF NEW JERSEY.

ORDER FOR INSURANCE

THE SHIPPER HEREBY ORDERS TRANSIT OR DEPOSITORY INSURANCE \$ _____ WHICH AMOUNT FOR THE PURPOSE OF INSURANCE IS DECLARED TO BE THE FULL VALUE OF THE SHIPMENT.

(PROPERTY IS NOT INSURED AGAINST FIRE OR ANY OTHER PERIL UNLESS AMOUNT OF INSURANCE IS STATED ABOVE.)

SIGNATURE OF CARRIER OR AUTHORIZED AGENT	SHIPPER'S SIGNATURE
--	---------------------

ORDER FOR SERVICE

NON-NEGOTIABLE WAREHOUSE RECEIPT AND INVENTORY

Date of Issue _____

Lot No. _____ No. of Pages _____

Consecutive No. _____

Wr. of HHG _____

Wr. of Books _____

TOTAL WEIGHT _____

Basic Agreement No. _____

Service Order No. _____

Received for the Account of _____

whose latest known address is _____

the following goods and chattels enumerated and described in schedule below, in condition described here-
in, to be stored at warehouse at _____

upon the Terms and Conditions on the back of this Receipt.

Rate of Storage per Month or fraction thereof _____ Cartage _____

Warehouse Labor _____ Other _____ Packing _____

By _____ for _____

DESCRIPTIVE SYMBOLS	EXCEPTION SYMBOLS	LOCATION SYMBOLS
B/W - BLACK & WHITE TV C - COLOR TV CP - CARRIER PACKED PBO - PACKED BY OWNER CO - CARRIER DISASSEMBLED	BE - BENT BR - BROKEN BU - BURNED CH - CHIPPED CU - CONTENTS & CON- DITION UNKNOWN	SC - SCRATCHED SH - SHORT SO - SOILED T - TORN W - BADLY WORN Z - CRACKED
DBO - DISASSEMBLED BY OWNER PB - PROFESSIONAL BOOKS PE - PROFESSIONAL EQUIPMENT PP - PROFESSIONAL PAPERS	D - DENTED F - FADED G - GOUGED L - LOOSE M - MARRED MI - MILDEW MO - MOTHEATEN R - RUBBED RU - RUSTED	1. ARM 2. BOTTOM 3. CORNER 4. FRONT 5. LEFT 6. LEGS 7. REAR 8. RIGHT 9. SIDE 10. TOP 11. VENEER 12. EDGE

NOTE: THE OMISSION OF THESE SYMBOLS INDICATES GOOD CONDITION EXCEPT FOR NORMAL WEAR.

ITEM NO.	CR. REF.	ARTICLE	CONDITION
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			

I have checked all the items listed and numbered _____ to _____ inclusive and acknowledge that this is a true and complete list of the goods tendered and of the state of the goods received.

Driver _____ Date _____

I acknowledge that the condition of the goods at the time of the loading is as noted on this inventory and that I have received a copy of this inventory.

Owner or Authorized Agent Sign. and Date _____

ORDER FOR DELIVERY

Kindly deliver goods on this warehouse receipt to _____

_____ on _____

In case goods are delivered to truckmen other than the Company's Trucks, the responsibility of the Warehouse ceases when goods are delivered to said truckmen.

Goods for places where receipts are customarily refused or where no authorized person is present to sign for them, may be left at my risk.

If goods cannot be delivered in the ordinary way by the stairs or elevator, I agree to pay for any and all extra charges for hoisting or other necessary labor.

Date _____ Signed _____
CUSTOMER OR AGENT'S SIGNATURE

DELIVERY RECEIPT

The undersigned hereby acknowledges the delivery and receipt of all property as listed and described in this warehouse receipt and/or any supplemental list attached hereto and certifies that the same has been received on the above date in good condition and order unless otherwise indicated hereon in writing.

I further certify that all property so delivered is owned by me and the said delivery to me includes all property stored by the undersigned except as otherwise indicated hereon in writing.

Date _____ Signed _____
CUSTOMER OR AGENT'S SIGNATURE

PROPOSALS

Interested Persons see Inside Front Cover

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Proposals numbered PRN 1985-311 and 312 are authorized by the New Jersey Racing Commission, Harold G. Handel, Executive Director.

Submit comments by July 3, 1985 to:

Bruce H. Garland, Deputy Director
New Jersey Racing Commission
CN 088 Justice Complex
Trenton, New Jersey 08625

(a)

**Thoroughbred Rules
Requirements; Farms or Licensed Tracks**

**Proposed Repeal and New Rule: N.J.A.C.
13:70-4.15**

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1985-312.

The agency proposal follows:

Summary

The proposed new rule, N.J.A.C. 13:70-4.15, is designed to strengthen the inspection process to go along with an increased staff which will be available to conduct the inspections and enforce the regulations. The current rule is being repealed and the new rule will provide strengthened requirements. Specifically, an appeal provision for quarantine is provided and the Commission's access to the grounds provisions are clarified. In addition, the new rule makes the trainer responsible for insuring that only licensed individuals are employed with respect to the care, custody and training of a horse in training or entered to start. Reference is also made to reports such as the Equine Fatality Report (N.J.A.C. 13:70-14.16), that will be required to be filed by the farm manager. Finally, there is a new subsection dealing with penalties for violation of the rules.

Social Impact

The proposed new rule would have a positive social impact since it is aimed at improving the safety conditions at the off-track stabling facilities, while at the same time tightening the license requirements. By providing penalties for violations and placing the responsibility on the trainer, the new rule should eliminate the contact between unlicensed individuals and horses.

Economic Impact

The new rule is not expected to have a significant economic impact. Most of the safety requirements are already required in the rule proposed for repeal. The licensing requirements are a clarification of existing requirements so the impact should not be great. The Racing Commission has requested an additional four inspectors to enforce the regulations.

Full text of the proposed repeal appears in the New Jersey Administrative Code at N.J.A.C. 13:70-4.15.

Full text of the proposed new rule follows.

13:70-4.15 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this

rule shall prohibit any horse stabled outside the State of New Jersey from vaning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.

2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.

3. All electrical wiring must meet the requirements of the New Jersey Fire Underwriter's Code.

4. Adequate spraying and/or fogging equipment must be available.

5. One fire extinguisher shall be located on the outside wall of each stable entrance door and two fire extinguishers shall be located inside each stable or enclosure along with fire hoses with ample supply.

6. Farms or training centers shall be maintained tick free.

7. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:70-13A.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall be liable to inspection by the employees of the Commission and shall be required to provide unrestricted access to all stabling facilities to the employees and agents of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility of the trainer to insure that only individuals licensed by the Commission are employed in any capacity of caretaker, groom or other attendant with respect to the care, custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:70-14.16).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:70-23. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

(b)

**Harness Rules
Requirements; Farms or Licensed Tracks**

Proposed New Rule: N.J.A.C. 13:71-7.26

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1985-311.

Summary

Proposed new rule N.J.A.C. 13:71-7.26 is designed to institute inspections of off-track stable facilities from which horses are shipped to racetracks to participate in pari-mutuel races. The rule is similar to a new rule which applies to the thoroughbred industry, which is being proposed to conform to this new rule (see proposed new rule N.J.A.C. 13:70-4.15, above). The rule provides that the Commission will have access to the grounds and that the trainer is responsible for insuring that only licensed individuals are employed with respect to the care, custody and training of a horse in training or entered to start. Reference is also made to reports such as the Equine Fatality Report (N.J.A.C. 13:70-20.24), that will be required to be filed by the farm manager. There is also provision for quarantines, with a right of appeal. Finally, there is a new subsection dealing with penalties for violation of the rules.

Social Impact

The proposed new rule would have a positive social impact since it is aimed at improving the safety conditions at the off-track stabling facilities, while at the same time tightening the license requirements. By providing penalties for violations and placing the responsibility on the trainer, the new rule should eliminate the contact between unlicensed individuals and horses.

Economic Impact

The new rule is not expected to have a significant economic impact. Most of the safety requirements are already in existence at the facilities. The licensing requirements are a clarification of existing requirements so the impact should not be great. The Racing Commission has requested an additional four inspectors to enforce the regulations.

Full text of the proposed new rule follows.

13:71-7.26 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this rule shall prohibit any horse stabled outside the State of New Jersey from vanning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.

2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.

3. All electrical wiring must meet the requirements of the New Jersey Fire Underwriter's Code.

4. Adequate spraying and/or fogging equipment must be available.

5. One fire extinguisher shall be located on the outside wall of each stable entrance door and two fire extinguishers shall be located inside each stable or enclosure along with fire hoses with ample supply.

6. Farms or training centers shall be maintained tick free.

7. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:71-3.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall be liable to

inspection by the employees of the Commission and shall be required to provide unrestricted access to all stabling facilities to the employees and agents of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility of the trainer to insure that only individuals licensed by the Commission are employed in any capacity of caretaker, groom or other attendant with respect to the care-custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:71-20.24).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:71-2.3. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION

Renewal of Municipal Consents and Certificates of Approval

Notice of Pre-Proposal for Rule Amendment: N.J.A.C. 14:18-11

Authorized By: Bernard R. Morris, Director, Office of Cable Television.

Authority: N.J.S.A. 48:5A-10.

A **public hearing** to solicit comments prior to proposing a rule in this matter will be held as follows:

Wednesday, June 19, 1985
10:00 A.M., Hearing Room 1
Board of Public Utilities
1100 Raymond Boulevard
Newark, NJ 07102

Submit comments by July 3, 1985 to:
Bernard R. Morris, Director
Office of Cable Television
Board of Public Utilities
1100 Raymond Boulevard
Newark, NJ 07102

This is a Notice of Pre-Proposal for a rule amendment (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rule for Agency Rulemaking, N.J.A.C. 1:30.

This pre-proposal is known as PPR 1985-2.

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Interested Persons see Inside Front Cover

PUBLIC UTILITIES

The agency pre-proposal follows:

The Cable Communications Policy Act of 1984 (P.L. No. 98-549, 98 Stat. 2779) will substantially affect the renewal of cable television companies' municipal consent ordinances and certificates of approval. The Office of Cable Television, in an attempt to provide for orderly franchising in the State of New Jersey, proposes to amend its current rules concerning renewal of municipal consent ordinances and certificates of approval. The new Federal law provides standards for renewing the franchises of cable television operators. It does not, however, provide guidance on the procedures that are to be followed in implementing these guidelines. The Office, through this proceeding, will attempt to establish rules and procedures that are fair and expeditious to both cable operators and municipalities and in keeping with the spirit of the new Federal legislation.

Cable television operators now have what may be termed an expectancy that their franchise will be renewed. Section 626 of the Cable Communications Policy Act of 1984 provides:

(a) During the 6-month period which begins with the 36th month before the franchise expiration, the franchising authority may on its own initiative, and shall at the request of the cable operator, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of-

(1) identifying the future cable-related community needs and interests; and

(2) reviewing the performance of the cable operator under the franchise during the then current franchise term.

(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the completion of any proceedings under subsection (a), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceedings, in accordance with paragraph (2) to consider whether-

(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator

and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Any denial of a proposal for renewal shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the effective date of this title unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or has effectively acquiesced.

The Board of Public Utilities, Office of Cable Television, as the franchising authority of cable television companies in the State of New Jersey, feels the best method to implement the requirements of the Federal law is by rule. The Office recognizes that the New Jersey statutory framework provides for a bifurcated process with substantial municipal involvement. N.J.S.A. 48:5A-1 et seq. It appears that some of the findings and proceedings set forth by the Federal Act should be properly made at the municipal level. Also, current New Jersey law requires significant activity on the municipal level. N.J.S.A. 48:5A-22, 30. The Office, as the franchising authority, is empowered to promulgate rules concerning the municipal consent process. N.J.S.A. 48:5A-10(d).

In order to establish rules which correctly balance the needs of municipalities and the general public with the rights of incumbent cable television operators in their respective franchise territories, the Director of the Office of Cable Television invites all interested parties to submit comments related to the following:

1. The proper procedures which should be established for the renewal process. Including procedures by which "future cable-related community needs and interests" will be established and procedures for evaluating the performance of the cable operator. Provisions should be made for public hearings, and proper notification of any findings must be included. Also, at some point in time it may be appropriate for opportunity to be given to possible competing applicants to submit bids. Reasonable timetables must also be included in any procedures which are established. The Office seeks guidance on what these timetables should be. Finally, the allocation of the costs of any proceedings which must be held should be considered;

2. What deviations from the above rules, if any, are appropriate where the municipal consent provides for an automatic renewal, pursuant to N.J.S.A. 48:5A-19;

3. The standard under which the Office of Cable Television should review proceedings which occur at the municipal level, in light of its responsibilities in granting a Certificate of Approval;

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4. The procedures which are appropriate for those municipalities in which the current franchise expires with less time remaining than is set out by the Federal law to make the appropriate findings;

5. Possible ways to streamline procedures in instances where both the municipality and cable operator agree more formal proceedings are unnecessary;

6. Any possible inconsistencies between the recently enacted Federal law (the Cable Communications Policy Act of 1984) and the existing New Jersey Cable Television Act (N.J.S.A. 48:5A-1 et seq.).

In summary, the Office of Cable Television requests comments on this matter in order to formulate rules which properly protect the rights of cable operators and municipalities under Federal law.

TRANSPORTATION

TRANSPORTATION OPERATIONS

Proposals numbered PRN 1985-291, 296 and 299 are authorized by John P. Sheridan, Jr., Commissioner, Department of Transportation.

Submit comments by July 3, 1985 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

(a)

Restricted Parking and Stopping Routes 4 in Bergen County, 45 and 47 in Gloucester County

Proposed Amendments: N.J.A.C. 16:28A-1.4, 1.31 and 1.33

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1,
39:4-139 and 39:4-199.

Proposal Number: PRN 1985-291.

The agency proposal follows:

Summary

The proposed amendments will establish "no parking bus stop" zones along Routes 4 in the City of Hackensack, Bergen County; 45 and 47 in Deptford Township, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and the safe on/off loading of passengers at established bus stop.

Based upon requests from the local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no parking bus stop" zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.4, 1.31 and 1.33 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish "no parking bus stop" zones along Routes 4 in the City of Hackensack, Bergen County and 45 and 47 in Deptford Township, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and safe on/off loading of passengers at established bus stops. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for its work force for mileage, personnel and equipment requirements. The local officials will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:28A-1.4 Route 4 [in Englewood]

(a) The certain parts of State highway Route 4 described in [(a) of] this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-[139] **199**.

1.-3. (No change.)

(b) The certain parts of State highway Route 4 described in this [sub] section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1.-14. (No change.)

15. Along the eastbound (southerly) side in the City of Hackensack, Bergen County:

i. Far side bus stop:

(1) Hackensack Avenue—Beginning at the easterly curb line of the exit ramp east of Hackensack Avenue and extending 100 feet easterly therefrom.

16. Along the westbound (northerly) side in the City of Hackensack; Bergen County:

i. Far side bus stop:

(1) Hackensack Avenue—Beginning at the westerly curb line of the exit ramp west of Hackensack Avenue and extending 100 feet westerly therefrom.

16:28A-1.31 Route 45

(a) (No change.)

(b) The certain parts of State highway Route 45 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1.-4. (No change.)

5. Along the northbound (easterly) side in Deptford Township, Gloucester County:

i. Far side bus stop:

(1) College Boulevard—Beginning at the northerly curb line of College Boulevard and extending 120 feet northerly therefrom.

16:28A-1.33 Route 47

(a) (No change.)

(b) The certain parts of State highway Route 47 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permis-

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Interested Persons see Inside Front Cover

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sion is granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along the northbound (easterly) side in Deptford Township, Gloucester County:

i. Mid-block bus stops:

(1) Caufield Avenue—Beginning 880 feet north of the northerly curb line of Caufield Avenue and extending 135 feet northerly therefrom.

ii. Far side bus stop:

(1) Shetland Way—Beginning at the northerly curb line of Shetland Way and extending 110 feet northerly therefrom.

4. Along the southbound (westerly) side in Deptford Township, Gloucester County:

i. Mid-block bus stop:

(1) Taras Avenue—Beginning 45 feet from the prolongation of the southerly curb line of Taras Avenue and extending 155 feet southerly therefrom.

5. Along the northbound (easterly) side in Franklin Township, Gloucester County:

i. Mid-block bus stops:

(1) Pennsylvania Avenue—Beginning 350 feet south of the southerly curb line of Pennsylvania Avenue and extending 135 feet southerly therefrom.

(2) Marshall Mill Road—Beginning 420 feet south of the southerly curb line of Marshall Mill Road and extending 135 feet southerly therefrom.

(a)

**Restricted Parking and Stopping
Routes U.S. 22 in Union County, 38 in
Camden County and 44 in Gloucester
County**

**Proposed Amendments: 16:28A-1.13, 1.27
and 1.30**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Proposal Number: PRN 1985-299.

The agency proposal follows:

Summary

The proposed amendments will establish “no parking bus stop” zones along Routes U.S. 22 in Kenilworth Borough, Union County; 38 in Cherry Hill Township, Camden County and 44 in Paulsboro Borough, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops and the well-being of the populace.

Based upon requests from the local officials the Department’s Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of “no parking bus stop” zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.13, 1.27 and 1.30 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish “no parking bus stop” zones along Routes U.S. 22 in Kenilworth Borough, Union County; 38 in Cherry Hill Township, Camden County and 44 in Paulsboro Borough, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the safe on/off loading of passengers at established bus stops and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for its work force for mileage, personnel and equipment requirements. The local officials will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.13 Route U.S. 22

(a) The certain parts of State highway Route U.S. 22 described in [(a) of] this section shall be designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-9. (No change.)

(b) The certain parts of State highway Route U.S. 22 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-7. (No change.)

8. Along the eastbound (southerly) side in Kenilworth Borough, Union County:

i. Far side bus stop:

(1) Michigan Avenue—Beginning at the easterly curb line of Michigan Avenue and located within 225 feet easterly therefrom.

16:28A-1.27 Route 38

(a) (No change.)

(b) The certain parts of State highway Route 38 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1. (No change.)

2. Along the westbound (northerly) side in Cherry Hill Township, Camden County:

i. Near side bus stop:

(1) Mall Drive—Beginning at the easterly curb line of Mall Drive and extending 179 feet easterly therefrom.

ii. Far side bus stop:

(1) Chestnut Street—Beginning at the westerly curb line of Chestnut Terrace and extending 135 feet westerly therefrom.

16:28A-1.30 Route 44

(a) (No change.)

(b) The certain parts of State highway [44] **Route 44**, described [herein below] **in this section** shall be [and hereby are] designated and established as “no parking” zones where parking is prohibited at all times. [i.] In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

TRANSPORTATION

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- 1.-3. (No change.)
- 4. **Along the westbound (northerly) side in Paulsboro Borough, Gloucester County:**
 - i. **Near side bus stop:**
 - (1) **Delaware Street—Beginning at the easterly curb line of Delaware Street and extending 100 feet easterly therefrom.**
 - ii. **Mid-block bus stop:**
 - (1) **Cedar Avenue—Beginning 50 west of the prolongation of the westerly curb line of Cedar Avenue and extending 110 feet westerly therefrom.**
- 5. **Along the eastbound (southerly) side in Paulsboro Borough, Gloucester County:**
 - i. **Far side bus stop:**
 - (1) **Delaware Street—Beginning at the easterly curb line of Delaware Street and extending 90 feet easterly therefrom.**

(a)

Restricted Parking and Stopping Routes 29 in Hunterdon County, 35 in Ocean County, 42 in Gloucester County, 41 in Camden County and 15 in Sussex County

Proposed Amendments: N.J.A.C. 16:28A-1.20, 1.25, 1.29, 1.64 and 1.65

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.
 Proposal Number: PRN 1985-296.

The agency proposal follows:

Summary

The proposed amendments will establish “no parking” zones along Route 15 in Sparta Township, Sussex County; 29 in West Amwell Township, Hunterdon County; 35 in Dover Township, Ocean County and “no parking bus stop” zones along Routes 41 in Cherry Hill Township, Camden County and 42 in Washington Township, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the safe off/on loading of passengers at bus stops and the well-being of the populace.

Based upon requests from the local officials the Department’s Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of “no parking” and “no parking bus stop” zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.20, 1.25, 1.29, 1.64 and 1.65 based upon the requests from local officials and the traffic investigations.

Social Impact

The proposed amendments will establish “no parking” zones along Routes 15 in Sparta Township, Sussex County; 29 in West Amwell Township, Hunterdon County; 35 in Dover Township, Ocean County and “no parking bus stop” zones along Routes 41 in Cherry Hill Township, Camden County and 42 in Washington Township, Gloucester County for the safe and efficient flow of traffic, the enhancement of safety, the safe off/on loading of passengers at established bus stops and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local officials will incur direct and indirect costs for its work force for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of “no parking” zone signs, and the local officials the installation of “no parking bus stop” signs. Motorists who violate the rules will be assessed the appropriate fine.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:28A-1.20 Route 29

(a) The certain parts of State highway Route 29 described in [(a) of] this section shall be designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

4. No stopping or standing in West Amwell Township, Hunterdon County:

i. Along the northbound side:

(1) (No change.)

(2) **Beginning at the Mercer-Hunterdon Line and extending 775 feet north therefrom.**

(b) (No change.)

(c) The certain parts of [the] State Highway Route 29 described in [(c) of] this section shall be designated and established as “no parking” zones for designated curb loading zones.

1. (No change.)

16:28A-1.25 Route 35

(a) The certain parts of State Highway Route 35 described in this section are designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. [29] 39: 4-139.

1.-13. (No change.)

14. No stopping or standing in Dover Township, Ocean County:

i. Along the easterly side of the northbound roadway:

(1) (No change.)

(2) **From a point 95 feet south of the southerly curb line of Second Avenue to Second Avenue.**

ii. (No change.)

iii. **Along the westerly side of the northbound roadway;**

(1) **From a point 127 feet south of the southerly curb line of Second Avenue to Second Avenue.**

15.-21. (No change.)

(b) The certain parts of State highway Route 35 described in [(b) of] this section are designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

1.-11. (No change.)

(c) The certain parts of State highway Route 35, described in [(c)] this section shall be designated and established as “Restricted Parking” zone, for use by persons who have been issued special Vehicle Identification Cards by the Division of Motor Vehicles. No other person shall be permitted to park in these areas.

1. (No change.)

(d) (No change.)

16:28A-1.29 Route 42

(a) (No change.)

(b) The certain parts of State highway Route 42 described in this section shall be [and hereby are] designated and estab-

PROPOSALS

Interested Persons see Inside Front Cover

OTHER AGENCIES

lished as "no parking" zones where parking is prohibited at all times [and in]. In accordance with the provisions of N.J.S.A. 39:4-199 permission is [hereby] granted to erect appropriate signs at the following established bus stops:

- 1. (No change.)
- 2. **Along the northbound (easterly) side in Washington Township, Gloucester County:**
 - i. **Mid-block bus stop:**
 - (1) **Greentree Road—Beginning 410 feet north of the prolongation of the northerly curb line of Greentree Road (County Road 651), and extending 130 feet northerly therefrom.**

16:28A-1.64 Route 41

- (a) (No change.)
- (b) The certain parts of State highway Route 41 described in [(b)] this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is [hereby] granted to erect appropriate signs at the following established bus stops:

- 1. (No change.)
- 2. **Along the westerly (southbound) side [thereof] in Cherry Hill Township, Camden County:**
 - i. [Ryans Run (Mid-Block):] **Mid-block bus stops:**
 - (1) **Ryans Run—Beginning 120 feet south of the southerly curb line of Ryans Run and extending 100 feet southerly therefrom.**

(2) **Chelton Parkway—Beginning 730 feet south of the southerly curb line of Chelton Parkway and extending 150 feet southerly therefrom.**

- ii. **Near side bus stop:**
 - (1) **Park Boulevard—Beginning at the northerly curb line of Park Boulevard and extending 105 feet northerly therefrom.**

16:28A-1.65 Route 15

- (a) The certain parts of State highway Route 15 described in [(a) of]; this section shall be designated and established as "no parking" zones where stopping and standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

- 1.-4. (No change.)
- 5. **No stopping or standing in Sparta Township, Sussex County:**

- i. **Along the easterly (northbound) side:**
 - (1) **Beginning at a point 1000 feet south of the southerly curb line of White Lake Road and extending 400 feet southerly therefrom.**
 - (2) **Beginning at a point 500 feet north of the northerly curb line of Father John's Lane and extending 200 feet northerly therefrom.**

Authorized By: State Health Benefits Commission,
Gaius Mount, Acting Secretary.
Authority: N.J.S.A. 52:14-17.27.
Proposal Number: PRN 1985-292.

Submit comments by July 3, 1985 to:
Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions
20 West Front St.
CN 295
Trenton, New Jersey 08625

Summary

In the current rule, N.J.A.C. 17:9-1.5, where a participating employer voluntarily terminates participation in the State Health Benefits Program, the employer is barred from reentry into the program. Under the proposed amendment, the employer who has terminated participation in the program will be barred from reentry into the program for five years, that is, the employer may return to the program after five years from termination. Reentry into the program, however, will be permitted only once.

Social Impact

The proposed amendment will affect past, current and future employers who have or will terminate their participation in the State Health Benefits Program. The amendment will permit their renewed participation, although reentry will be permitted only once. As such, their employees who are enrolled in the program may also be affected by the amendment.

Economic Impact

Depending upon the adverse experiences and employee mix of the employers who return to the program, the proposed amendment may lead to additional costs to the employers participating in the program and to the Division of Pensions which administers the program.

Full text of the proposal follows (additions indicated in boldface **thus**).

17:9-1.5 Voluntary termination of employer; notice

- (a) (No change.)
- (b) For purposes of local coverage, where a participating employer voluntarily terminates coverage, the coverage for his active and retired employees shall terminate as of the first of the month following a 60-day period beginning with the receipt of the resolution by the Health Benefits Commission. The employer shall be barred as a participating employer from future reentry into the program **for a period of five years. Reentry into the program will be permitted only once.**
- (c)-(d) (No change.)

TREASURY-GENERAL

(a)

**STATE HEALTH BENEFITS
COMMISSION**

**State Health Benefits Program
Voluntary Termination of Employer**

Proposed Amendment: N.J.A.C. 17:9-1.5

OTHER AGENCIES

(b)

**ELECTION LAW ENFORCEMENT
COMMISSION**

**General Provisions
Use or Transmittal of Deposited Funds
Reporting of Contributions**

Proposed Readoption: N.J.A.C. 19:25-1, 19:25-7 and 19:25-11

Authorized By: Election Law Enforcement Commission, Frederick M. Herrmann, Executive Director.

Authority: N.J.S.A. 19:44A-6 and 19:44A-38.

Proposal Number: PRN 1985-302.

Submit comments by July 3, 1985 to:

Gregory E. Nagy, Esq.
Staff Counsel
Election Law Enforcement Commission
National State Bank Building, Suite 1215
28 West State Street
Trenton, New Jersey 08608

The agency proposal follows:

Summary

In accordance with the sunset provisions of Executive Order No. 66(1978), the Election Law Enforcement Commission (hereafter, the Commission) proposes to readopt the following:

1. N.J.A.C. 19:25-1.1 through 19:25-1.8, General Provisions (Subchapter 1);
2. N.J.A.C. 19:25-7.1 through 19:25-7.7, Use or Transmittal of Deposited Funds (Subchapter 7); and
3. N.J.A.C. 19:25-11.1 through 19:25-11.8, Reporting of Contributions (Subchapter 11).

All of the above rules were effective prior to the implementation of Executive Order No. 66 in 1978. However, they were amended on August 6, 1980 and the scheduled expiration date of August 5, 1985 was established. The sunset provisions of Executive Order No. 66(1978) require the Commission to review periodically the present regulations to determine their continuing usefulness. Accordingly, the Commission has reviewed these regulations, and has found them to be reasonable, proper, and necessary.

Title 19, Chapter 25, Subchapter 1 contains the General Provisions of the Commission. N.J.A.C. 19:25-1.1 sets forth the scope of the regulations, N.J.A.C. 19:25-1.2 sets forth the short title; and N.J.A.C. 19:25-1.3 mandates liberal construction of the regulations to permit the Commission to discharge its statutory functions and to secure a just and speedy determination of all matters before it. N.J.A.C. 19:25-1.4, 19:25-1.5 and 19:25-1.6 concern relaxation of the rules, amendments and practice where regulations do not govern, respectively. N.J.A.C. 19:25-1.7 sets forth definitions for interpretation of the "New Jersey Campaign Contributions and Expenditures Reporting Act," N.J.S.A. 19:44A-1, et seq. (hereafter, the Act). This section was amended on August 6, 1980; July 18, 1983 and August 6, 1984. N.J.A.C. 19:25-1.8 provides that the use of a word in the masculine shall be understood to apply to the feminine. N.J.A.C. 19:25-1.9 is reserved.

Title 19, Chapter 25, Subchapter 7 concerns the use or transmittal of deposited campaign funds. N.J.A.C. 19:25-7.1 provides that campaign expenditures must be made through the campaign treasurer of a candidate, political committee or continuing political committee. N.J.A.C. 19:25-7.2 sets forth that deposited campaign funds may not be used to defray private expenses of a candidate or other person. N.J.A.C. 19:25-7.3 concerns transmittal of deposited funds to another

candidate, political committee or continuing political committee. N.J.A.C. 19:25-7.4 and 19:25-7.5 concern transmittal of deposited funds to or by a political party committee. N.J.A.C. 19:25-7.6 sets forth requirements for reporting transmittal of earmarked funds. N.J.A.C. 19:25-7.7 provides that a political party committee may not receive or expend funds in violation of N.J.S.A. 29:34-33 and 19:44A-12, which statutes prohibit political party committee contributions to primary election candidates. N.J.A.C. 19:25-7.8 is reserved. All of these sections were amended on August 6, 1984 with the exception of N.J.A.C. 19:25-7.6 which was amended on August 6, 1980.

Title 19, Chapter 25, Subchapter 11 concerns the reporting of campaign contributions. N.J.A.C. 19:25-11.1 and 19:25-11.2 set forth general provisions and the determination of contributions as being for election-related activity. N.J.A.C. 19:25-11.3 and 19:25-11.4 govern the computation of contributions received by candidates, political committees and continuing political committees. N.J.A.C. 19:25-11.5 set forth requirements for reporting of contributions of goods or services. N.J.A.C. 19:25-11.6 concern contributions made anonymously. N.J.A.C. 19:25-11.7 concerns reporting of contributions made to an individual for pre-candidacy or "testing the waters" activity. N.J.A.C. 19:25-11.8 prohibits currency contributions except as provided in the section. All of these sections were amended on August 6, 1980 and August 6, 1984 with the exception of N.J.A.C. 19:25-11.4 which was amended on August 6, 1984 and October 15, 1984; N.J.A.C. 19:25-11.7 which was amended on July 18, 1983 and August 6, 1984 and N.J.A.C. 19:25-11.8 which was first promulgated on August 6, 1984.

Social Impact

The General Provisions, the Use or Transmittal of Deposited Funds and the Reporting of Contributions have and will continue to affect all candidates, political committees, continuing political committees and other persons interested in the conduct of election campaigns and the reporting of campaign finances. The Commission believes the proposed readoption of these regulations is necessary for its continued administration of the Act and to continue to provide the electorate with information concerning campaign finances.

Economic Impact

Since the proposed readoption of the regulations would only promulgate the existing regulatory program, the Commission foresees no additional economic impact. However the present economic impact on regulated parties will be continued by the readoption. This will include the expenses of compliance, including the costs of recordkeeping and preparing and filing campaign or other reports. The cost of implementing these regulations to the Commission is expected to continue after readoption, and will continue to be subsumed in the State budget.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 19:25-1, 19:25-7 and 19:25-11.

(a)

CASINO CONTROL COMMISSION**Casino Industry Bus Operations****Rule Pre-Proposal: N.J.A.C. 19:43 and
N.J.A.C. 19:45**

Authorized By: Casino Control Commission, Walter N. Read, Chairman.
Authority: N.J.S.A. 5:12-1b and 92.
Pre-Proposal Number: PPR 1985-3.

Take notice that the New Jersey Casino Control Commission is contemplating the adoption of regulations which would govern the conduct of business between casino licensees and bus companies serving their casino hotel facilities. This notice of pre-proposal is being published in order to obtain the response of interested persons prior to the drafting of actual regulatory provisions.

Interested persons may submit, in writing, data, views or comments, or proposed regulatory language by July 3, 1985 to:

Robert J. Genatt, General Counsel
Casino Control Commission
3131 Princeton Pike
Building No. 5, CN-208
Trenton, N.J. 08625

A hearing will be held for the receipt of oral comment at a time and place to be announced after the receipt and review of written materials.

The purpose and scope of the contemplated regulations are explained in the statement which follows.

As the casino gaming industry in Atlantic City has developed, the use of buses to transport potential gaming patrons to the various licensed facilities has become an essential element in the overall marketing strategy of the casino industry. The Atlantic City Transportation Authority has estimated that approximately 1,000 buses arrive in Atlantic City daily. Competition for the patronage of the approximately one million bus passengers who travel to Atlantic City each month has resulted in each casino licensee implementing bus promotional programs which are designed to attract bus patrons to their particular casino hotel.

Generally, these bus promotions operate as follows. The individual bus patron (or a group of patrons in the case of a charter arrangement) purchases a bus ticket from a bus company authorized to operate bus service to Atlantic City. Upon arrival at the particular casino hotel which is "sponsoring" the trip, the bus patrons receive various complimentary gifts or services, which usually include coupons redeemable for a roll of coins and a meal or beverage at the facilities of the sponsoring casino licensee. These complementaries are paid for by the sponsoring casino licensee and often exceed in value the price of the bus ticket. Generally, these arrangements involve no direct exchange of monetary consideration between the casino licensee and the bus company. The bus company is compensated through the fares it collects directly from the passengers. The casino licensee benefits by knowing that a certain number of bus passengers will be arriving at and utilizing the services of its casino hotel facility.

Obviously, the key factor in the operation and success of these bus programs from the perspective of the bus company

is the availability of the complimentary service package provided by the casino licensee. The number of intercity buses which may be directly off-loaded at a casino hotel facility is determined both by legal requirements and practical considerations. Accordingly, only a limited number of opportunities exist at any particular casino hotel on any given day in which to carry out the "arrival phase" of the bus promotion. There are approximately 130 of these arrival opportunities, which are commonly referred to as "slots," at each casino hotel facility each day. For various reasons, a licensee may not utilize all of the bus slots which are available to it on a given day.

There are essentially two types of bus service which transport passengers to Atlantic City. The first is regular route, or "line," service. Line buses operate on a regular schedule along an established route. The second type is charter service. Charter buses are specially hired by private groups to provide transportation to a location designated by the users. Both types of bus service participate in the promotional programs conducted by casino licensees, although the complimentary service package available may vary depending upon the type of service involved.

During the past two years, the Commission has received numerous complaints concerning the casino bus programs described above. Many of these complaints have come from small privately owned bus companies, including minority-owned enterprises, who were having difficulty securing "slots" from casino licensees which would enable them to participate in casino bus promotions. As a result, the Commission requested the Division of Gaming Enforcement ("Division") to conduct an investigation of casino bus promotions, with specific focus on allegations of racial bias in the administration of these programs.

The Division issued its investigative report on March 18, 1985. Although the Division concluded that there was no evidence of systematic exclusion of small bus companies from participation in casino bus promotions on the basis of race or other impermissible classifications, the Division did raise serious questions concerning whether casino industry bus operations were dominated and controlled by a limited number of large bus companies to the exclusion of several hundred smaller operators who are also certified to do business in Atlantic City.

The following is a summary of the major findings contained in the Division's March 18, 1985, report. A copy of this report may be obtained upon payment of the requisite copying fees from the Lawrenceville offices of the Casino Control Commission.

Line run participation in casino bus promotions is apparently awarded by casino licensees on the basis of various factors, including the bus company's experience and reputation; the need for new or additional service in the proposed area; the quality of the proposed loading sites; the features, condition and age of the company's buses; the extent of the company's insurance coverage, and its certification status with the appropriate transportation regulatory agencies. According to the Division, casino licensees apply these undefined criteria in an irregular manner when soliciting or accepting bus operators. Perhaps because of this, the casinos perpetuate the domination of the bus industry by a few larger bus companies which have established reliable records of service to the casino hotels. Thus, established line bus operators are generally given first refusal on available bus slots. Moreover, the Division found that these same line bus operators are also given first refusal on any available charter bus slots.

The Division found that most casino licensees do not have any standard procedures whereby notice of bus slot availability is provided to interested bus companies. Nor do standard procedures exist as to how bus slots may be reserved, confirmed, cancelled or reassigned. Once again, the Division found that the practical effect of this situation is that most bus slots are filled by the established bus companies before the smaller companies learn of their availability. One consequence of this preferred treatment is that one of the primary criteria used in evaluating new proposed service, the adequacy of existing service in the area, is usually resolved in favor of the established large bus companies.

The cumulative effect of these practices, according to the Division, is that minority involvement in casino bus promotions is "far below that which is appropriate or representative." Moreover, the Division concludes that the larger bus companies enjoy, in effect, a "virtual monopoly over the casino bus industry." Thus, the only way the majority of smaller bus companies are able to participate in casino bus promotions, unless a casino terminates a particular ongoing service, is to purchase bus slots from the larger bus companies when they decide not to use slots assigned to them. This practice obviously decreases the profit margin of the smaller bus company and further diminishes its ability to compete.

Based on the Division's report, it would appear that the casino bus industry is dominated by a limited number of large bus companies. The Division has recommended that steps be taken to increase the participation of minority-owned and other small bus companies in this industry. The Division has suggested that remedial action in this area might be based, in part, on N.J.S.A. 5:12-1b(12) which provides that:

Since the economic stability of casino operations is in the public interest and competition in the casino operations in Atlantic City is desirable and necessary to assure the residents of Atlantic City and of this State and other visitors to Atlantic City varied attractions and exceptional facilities, the regulatory and investigatory powers and duties conferred by this act shall include the power and duty to regulate, control and prevent economic concentration in the casino operations and the ancillary industries regulated by this act, and to encourage and preserve competition.

The Division interprets this provision of the Casino Control Act to support the proposition that competition within industries that support and service casino operations is an essential consideration in the public policy of this State. Since the Division believes that its findings indicate that healthy competition within the casino bus industry is lacking, the Division has suggested that "corrective measures should be taken to protect the public interest and to fulfill express public policies."

More specifically, the Division has recommended that appropriate remedies should address, at least, the following issues:

1. Whether uniform operating procedures for the allocation of line bus and charter bus slots should be established on an industry-wide basis.

2. Whether the procedures for reservation or booking, confirmation and cancellation of bus slots should be standardized throughout the industry.

3. Whether slots available for charter service buses at each casino facility should be filled on a first-call, first-reserved basis with no preference given to companies with established line run service to the particular casino hotel.

4. Whether objective and detailed criteria for the establishment of line run service should be developed and regularized.

5. Whether a certain percentage of available bus slots at each casino hotel should be set aside for the use of minority owned or operated bus companies who wish to institute and otherwise meet the objective requirements for a line run service.

The Commission is seeking, through the publication of this rule pre-proposal, the comments of interested persons concerning the possible adoption of regulations which would implement the Division's recommendations. In addition to the Division's proposals, the Commission would also like the comments of interested persons on contemplated regulations which would:

6. Require each casino licensee to file for approval by the Commission a bus operations submission which would specify, for example, that casino's standards and procedures for evaluation of the suitability or adequacy of a potential bus service provider; for the allocation of line bus and charter bus slots; for the announcement of available bus slots, and for the reservation, confirmation, cancellation and reassignment of bus slots.

7. Require that bus slots only be assigned and authorized by casino licensees, with any unused or cancelled bus slots being "returned" to the casino licensee for reassignment.

8. Require all bus slots to be reopened periodically to assure equal access to all interested bus companies.

9. Limit the amount of business which any particular bus company may do with each casino licensee to a specified percentage of the licensee's total bus operations.

The Commission may propose regulations which would incorporate any one of the regulatory concepts discussed herein. Any written comments submitted, therefore, should address the possibility that any or all of these proposals may eventually be adopted.

This is a notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rules for Agency Rulemaking, N.J.A.C. 1:30.

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice

Rules of General Application

Rules for Summary Proceedings

Readoption: N.J.A.C. 1:1 and 1:2

Proposed: January 7, 1985 at 17 N.J.R. 2(a).
Adopted: May 7, 1985 by Ronald I. Parker, Acting Director, Office of Administrative Law.
Filed: May 15, 1985 as R.1985 d.292, **without change**.
Authority: N.J.S.A. 52:14F-56(e), (f) and (g).

Effective Date: May 15, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 15, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 1:1-1:2.

AGRICULTURE

(b)

DIVISION OF PLANT INDUSTRY

Seed, General Certification Standards

Readoption with Amendments: N.J.A.C. 2:16-2

Proposed: March 18, 1985 at 17 N.J.R. 636(a).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985 as R.1985 d.278, **without change**.
Authority: N.J.S.A. 4:1-21.7.

Effective Date for Readoption: May 7, 1985.
Effective Date for Amendments: June 3, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-2.

Full text of the adopted amendments follows.

2:16-2.2 Certifying organizations for New Jersey

- (a) (No change.)
- (b) Cook College, Rutgers—The State University is the agricultural research and extension agency for seed certification.
- (c) These two organizations independently cooperate in the certification program.

2:16-2.19 Seed treatment

Recommendations by Cook College for seed treatment shall be followed.

2:16-2.22 Failure to comply with certification regulations

- (a) (No change.)
- (b) In cases of forfeiture as mentioned in (a) above, the grower may file a notice of appeal with the Secretary of Agriculture. The Secretary may hold hearings upon the violation pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq. If the Secretary finds that the violation was committed he may assess a penalty against the violator not to exceed the limit set forth in the law.

2:16-2.23 Application for certification

- (a) Application forms may be obtained through the State Department of Agriculture. Separate applications must be filed for each crop.
- (b) Upon completing the application form, attach check (made payable to and send to the Bureau of Seed Certification and Control, New Jersey Department of Agriculture, CN 330, Trenton 08625.

2:16-2.24 Dates for filing application

- (a) The latest dates on which applications may be filed at the office of the certifying agency are:
 - 1.-8. (No change.)
 - 9. Soybeans—July 1.
 - 10. (No change.)
- (b) (No change.)

2:16-2.27 Seed conditioning

- (a) Only commercial or custom seed conditioning plants approved by the certifying agency are eligible to condition certified seed.
- (b) All conditioners of certified seed must request an inspection of the cleaning equipment when changing from one hybrid or variety to another.

2:16-2.32 Blending of seeds; risk of certification requirements

- (a) (No change.)
- (b) In the cases of blending or recleaning the conditioner assumes the risk of having seed that meets certification requirements.
- (c)-(d) (No change.)

2:16-2.33 Conditioners requirements for certification

- Conditioners desiring inter-agency certification shall apply to the New Jersey Department of Agriculture, Trenton, and shall meet the following requirements:
 - (a)-(b) (No change.)
 - (c) Records of all operations shall be complete and adequate to account for all incoming and finally certified seed. They shall include:

AGRICULTURE

ADOPTIONS

- 1. (No change.)
 - 2. Record of blending, cleaning, or other conditioning, also rebagging including:
 - i.-v. (No change.)
 - vi. Date conditioner rebagged.
 - 3.-4. (No change.)
 - 5. Conditioners shall permit inspection by the New Jersey Department of Agriculture of all records of the kind of seed certified, including both certified and non-certified seed.
 - (d) Approved conditioners shall designate an individual who shall be responsible to the New Jersey Department of Agriculture for performing such duties as may be required.
 - (e) Approval of conditioners shall be on an annual basis.
- 2:16-2.34 Inspection of conditioning operations
(No change in text.)
- 2:16-2.37 Educational responsibilities
(a) It shall be the responsibility of Cook College, Rutgers—The State University to:
 - 1.-2. (No change.)
- 2:16-2.38 Charges for blending and repackaging certified seed
 - (a) (No change.)
 - (b) Inter-agency certification labels will be issued by the certifying agency with the cost assumed by the conditioner.
- 2:16-2.40 Interpretation and change of rules by Foundation Seed Committee
 - (a) (No change.)
 - (b) The chairman of the Foundation Seed Committee shall be appointed by the Dean of Cook College, Rutgers—The State University. The committee shall consist of personnel from the Cook College and the Department of Agriculture, as directed by the chairman.

(a)

Standards for Corn, Field (Commercial Hybrids)

Readoption: N.J.A.C. 2:16-4

Proposed: March 18, 1985 at 17 N.J.R. 638(a).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.277, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date: May 7, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-4.

(b)

Standards for Sweetcorn (Inbred Lines)

Readoption with Amendment: N.J.A.C. 2:16-5

Proposed: March 18, 1985 at 17 N.J.R. 639(a).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.276, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date for Readoption: May 7, 1985.
 Effective Date for Amendment: June 3, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-5.

Full text of the adopted amendment follows.

2:16-5.3 Field inspections

- (a) (No change.)
- (b) A minimum of one field inspection must be made by the plant breeder in charge of sweetcorn improvement at Cook College to ascertain genetic purity before pollen starts to shed.

(c)

Standards for Sweetcorn (Single Cross Hybrids)

Readoption with Amendment: N.J.A.C. 2:16-6

Proposed: March 18, 1985 at 17 N.J.R. 639(b).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.275, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date for Readoption: May 7, 1985.
 Effective Date for Amendment: June 3, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-6.

Full text of the adopted amendment follows.

2:16-6.7 Samples and sampling procedures

- (a) (No change.)
- (b) The plant breeder at Cook College shall be permitted to have limited quantities of seed for research purposes.
- (c) (No change.)

ADOPTIONS

AGRICULTURE

(a)

Standards for Small Grains (Wheat, Rye, Barley, Oats)

Readoption with Amendment: N.J.A.C. 2:16-7

Proposed: March 18, 1985, at 17 N.J.R. 640(a).
Adopted: May 6, 1985, Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.274, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date of Readoption: May 7, 1985.
Effective Date of Amendment: June 3, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-7.

Full text of the adopted amendment follows.

2:16-7.8 Seed standards
(No change in text of table.)
Footnotes:

- (1) (No change.)
- (2) Restricted noxious weed seed shall include those listed under the New Jersey State Seed Law Rules and Regulations, N.J.A.C. 2:21-4.2, plus radish, mustard, vetch and curled dock.
- (3) (No change.)

(b)

Standards for Soybeans

Readoption: N.J.A.C. 2:16-9

Proposed: March 18, 1985, at 17 N.J.R. 641(a).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.273, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date: May 7, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments receive.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-9.

(c)

Standards for Vegetables

Readoption with Amendment: N.J.A.C. 2:16-10

Proposed: March 18, 1985, at 17 N.J.R. 641(b).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.272, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date of Readoption: May 7, 1985.
Effective Date of Amendment: June 3, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-10.

Full text of the adopted amendment follows.

2:16-10.10 Seed Conditioning
Seed eligible for final certification shall be conditioned by equipment approached by the certifying agency. A conditioning plant may be approved on the basis of the following".
(a)-(c) (No change.)

(d)

Standards for Turfgrass Sod

Readoption with Amendments: N.J.A.C. 2:16-13

Proposed: March 18, 1985, at 17 N.J.R. 642(a).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.271, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date of Readoption: May 7, 1985.
Effective Date of Amendments: June 3, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-13.

Full text of the adopted amendments follows.

2:16-13.2 Type of certifying organization
(a) Cook College of Rutgers, the State University is the agricultural research and extension agency for turf certification.
(b)-(d) (No change.)

AGRICULTURE

ADOPTIONS

2:16-13.4 Eligibility requirements for certification
(a) Only those species, varieties and mixtures that are approved by Cook College of Rutgers, The State University shall be eligible for certification.

2:16-13.5 Sources of certified turfgrass sod
(a) (No change.)
1. No change.
2. Turfgrass established from vegetative material: certified shall be the progeny of foundation or registered stock that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency. Certified may be the progeny of certified stock only after the approval has been granted by the turfgrass breeder of Cook College of Rutgers—The State University and the Bureau of Seed Certification and Control.

2:16-13.15 Failure to comply with certification regulations
(a) (No change.)
(b) In such cases, a board consisting of a representative of the certified sod growers, chairman of the Soils and Crops Department of Cook College of Rutgers, The State University, and the Chief of the Bureau of Seed Certification and Control of the New Jersey Department of Agriculture shall interpret the evidence and give recommendations.

2:16-13.16 Application for certification
(a) (No change.)
(b) The completed application form, together with a check in payment of the certification fee, should be New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625.

2:16-13.26 Seed standards for New Jersey certified sod production
(a) (No change.)
(b) Those desiring to have a lot of seed approved should submit to the Bureau of Seed Certification and Control, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625, the following:
1. (No change.)
2. (No change.)

(a)

Standards for Vegetatively Propagated Grasses

Readoption with Amendment: N.J.A.C. 2:16-15

Proposed: March 18, 1985, at 17 N.J.R. 643(a).
Adopted: May 6, 1985, by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.269, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date of Readoption: May 7, 1985.
Effective Date of Amendment: June 3, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-15.

Full text of the adopted amendment follows.

SUBCHAPTER 15. VEGETATIVELY PROPAGATED GRASSES

(No change in text.)

(b)

Asparagus Seed Standards

Readoption: N.J.A.C. 2:16-16

Proposed: March 18, 1985 at 17 N.J.R. 643(b).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985, as R.1985 d.270, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date: May 7, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code N.J.A.C. 2:16-16.

(c)

Asparagus Crown Standards

Readoption: N.J.A.C. 2:16-17

Proposed: March 18, 1985 at 17 N.J.R. 644(a).
Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
Filed: May 7, 1985 as R.1985 d.268, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date: May 7, 1985.
Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-17.

(a)

Flatpea Certification Standards

Readoption: N.J.A.C. 2:16-19

Proposed: March 18, 1985 at 17 N.J.R. 644(b).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.267, **without change**.

Authority: N.J.S.A. 4:1-21.7.

Effective Date: May 7, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:16-19.

(b)

DIVISION OF REGULATORY SERVICES

Commercial Fertilizer and Soil Conditioner Update Commercial Values

Adopted Amendment: N.J.A.C. 2:69-1.11

Proposed: April 1, 1985 at 17 N.J.R. 764(a).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.266, **without change**.

Authority: N.J.S.A. 4:9-15.26, 4:9-15.33.

Effective Date: June 3, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): October 3, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

2:69-1.11 Commercial values

(a) (No change.)

(b) These values shall be effective from July 1, 1985 through June 30, 1986.

(c)

Agricultural Liming Materials Physical Classification

Readoption: N.J.A.C. 2:70-1.1 through 1.8

Proposed: April 1, 1985 at 17 N.J.R. 765(a).
 Adopted: May 6, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 7, 1985 as R.1985 d.265, **without change**.

Authority: N.J.S.A. 4:9-21.11 et seq.

Effective Date: May 7, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): May 7, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 2:70-1.1 through 2:70-1.8.

(d)

Jersey Fresh Logo

Adopted New Rules: N.J.A.C. 2:71-2.2

Proposed: April 1, 1985 at 17 N.J.R. 765(b).
 Adopted: May 13, 1985 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.
 Filed: May 13, 1985 as R.1985 d.282, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 4:10-3, 4:10-13 and 4:10-20.

Effective Date: June 3, 1985.
 Expiration Date pursuant to Executive Order No. 66(1978): September 1, 1988.

Summary of Public Comments and Agency Responses:

Comment: The New Jersey Peach Promotion Council, Inc., suggested the inclusion of hydrocooling of peaches should be required as part of the regulations, in order to reflect the standard method used by the industry of cooling table peaches.

Response: The Department of Agriculture agrees with this proposed amendment because it reflects the established industry method and will include it in the regulations (N.J.A.C. 2:71-2.5(f)).

Comment: Peach packers should have the option to have the Jersey Fresh logo printed on their containers or to use label stickers with the Jersey Fresh logo. Some growers thought it would be expensive to use the labor to apply the label stickers (2:71-2.2(c)).

Response: Consideration was given to allowing the use of containers with the Jersey Fresh logo printed on them. However, this method of identifying Jersey Fresh produce would cause growers/packers to maintain a double inventory of containers: those with the logo and those without. Also, since this is the first year of the program, the Department of Agriculture wanted to maintain a form of inventory control of the Jersey Fresh labels. The issue of containers printed with the Jersey Fresh logo will be reconsidered after the 1985 season.

Comment: Amend the regulations so that a statement of count appears on each container of cucumbers and peppers. These items are sold by the count. The proposed amendment would require the packers to adhere to standard trade usage (2:71-2.5(b) and (e)).

Response: Consideration was initially given to the utilization of the count method of determining size. While the count method is commonly used in the trade, the department, in agreement with an advisory committee, felt that diameter,

length and packing requirements would provide the regulatory guidelines to meet the needs of the industry. After the 1985 harvest season, the department will make an evaluation of the regulations and determine where changes are needed. The count method will be considered at that time.

Comment: A declaration of weight should appear on containers of eggplants and peaches. These commodities are normally sold by weight and this requirement would not appear to be unreasonable under the circumstances (2:71-2.5(c) and (f)).

Response: The Department of Agriculture is not opposed to the use of net weight. However, the regulations were written so as to allow for actual working evaluations to be made during the program's first year of operation. For the 1985 growing season the department felt that the packing and size requirements would control the net weight of the commodities. After the 1985 harvest season, consideration will be again given to the use of net weight requirements on eggplants and peaches.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

2:71-2.2 Use of the Jersey Fresh Logo on containers of certain fresh fruits and vegetables

(a) The New Jersey Department of Agriculture approves the use of the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey produced agricultural commodities.

(b) The configuration of the Jersey Fresh Logo follows:



(c) Only those persons, firms, partnerships, corporations or associations licensed by the New Jersey Department of Agriculture pursuant to N.J.S.A. 4:10-5 to use the Jersey Fresh Logo shall be permitted to attach the printed label to the container in which the agricultural commodity is to be marketed or to employ its use in advertising or in any manner whatsoever.

(d) Any person, firm, partnership, corporation or association wishing to employ the Jersey Fresh logo to be used in marketing certain New Jersey produced agricultural commodities shall make application to the New Jersey Department of Agriculture for a license. The application shall be made in writing, upon a form provided by the department for this purpose. The application shall reveal such information as is deemed necessary for the enforcement of the Jersey Fresh logo program. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (C. 73, P.L. 1963).

(e) All applications approved for issuance of licenses shall have the license granted for the period of one year commencing April 1. Interim licenses may be granted to qualified packers for the remainder of the license year. Applications shall be submitted at least 20 days prior to application approval. The department shall approve or deny applications within 20 days of receipt.

2:71-2.3 Charges for Jersey Fresh logo labels

(a) A fee of \$20.00 shall accompany the application form

and shall be made payable to the New Jersey Farm Products Publicity Fund. Qualified applicants will receive a supply of Jersey Fresh logo labels equal in value to the annual fee. If an applicant is deemed ineligible, the fee shall be refunded.

(b) Licensees may purchase additional Jersey Fresh logo labels in increments of 1,000. The charge for Jersey Fresh logo labels shall be \$20.00 per thousand. Checks are to be made payable to the New Jersey Farm Products Publicity Fund.

2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh logo program

(a) Only cucumbers, eggplants, iceberg lettuce, sweet peppers and peaches may be identified by the Jersey Fresh logo.

(b) All agricultural commodities marketed under the Jersey Fresh logo program shall be produced and packed in New Jersey.

2:71-2.5 Commodity grades, packing requirements, packer identification and containers

(a) Each container bearing the Jersey Fresh logo shall have the name and address of the packer in letters not less than three-eighths inches in height.

(b) Cucumbers shall be US No. 1 grade, or better, with two and three-eighths inch maximum diameter and six inch minimum length. All containers shall be at least fairly well filled. All containers shall be new.

(c) Eggplants shall be US No. 1 grade, or better, and reasonably uniform in size. All containers must have at least a fairly tight pack. All containers shall be new.

(d) Iceberg lettuce shall be US No. 1 grade, or better. The maximum pack is 24 heads per container. The heads shall be fairly uniform in size. The containers shall have a tight pack. All containers shall be new. All lettuce shall be vacuum cooled. The containers shall be marked "vacuum cooled."

(e) Sweet peppers shall be US No. 1 grade, or better. Containers shall be marked with either "Extra Large" or "Large" or "Medium" in accordance with the following size specifications: "Extra Large" shall have a three inch minimum diameter and a three and one-half inch minimum length; "Large" shall have a three inch minimum diameter and a two and one-half inch minimum length; "Medium" shall have a two and one-half inch minimum diameter and a two and one-half inch minimum length. All containers shall be at least fairly well filled. All containers shall be new.

(f) Peaches shall be US Extra No. 1 grade, or better, with a two and one-quarter inch minimum diameter. Containers shall be marked to denote variety and minimum size or count. All containers shall be new. All containers shall be at least fairly well filled. ***All peaches shall be hydrocooled. All containers shall be marked "hydrocooled."***

2:71-2.6 Definitions

For the purposes of this subchapter, the **[The]** following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Fairly tight" means, in the case of eggplants, that the package is sufficiently filled to prevent any appreciable movement of the eggplants and that they are in contact with the lid or cover.

"Fairly uniform in size" means, in the case of lettuce, that not more than 10 percent of the heads in a container may vary appreciably from the standard size head for the count pack.

"Fairly well filled" means that cucumbers or sweet peppers are not in contact with the lid or cover, but not more than one-half inch below the lid or cover. In the case of peaches, the container is level full and there is practically no movement of the fruit when the container is closed.

***Hydrocooled** means using the process of conveying produce through cold water (as near to 32°F or 0°C as possible) to remove field heat quickly.*

“Reasonably uniform in size” means, in the case of eggplants, that the weight of the smallest eggplant in the container is not less than one-half the weight of the largest eggplant.

“Tight” means, in the case of lettuce, that the layers are completely and tightly filled without injury to the heads.

***Vacuum** cooled means using a process which, through a vacuum, reduces air pressure in a large chamber, thus promoting cooling by rapid evaporation of moisture.*

2:71-2.7 Penalties

(a) Any licensed packer using Jersey Fresh logo containers for products other than those covered by these rules or any unlicensed packer using Jersey Fresh logo packages for any product shall be subject to a penalty of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5 which penalty shall be \$50.00.

(b) After the third violation of any part of this subchapter of the same regulated product packed by the same licensed packer during the same calendar year, the license to pack under the Jersey Fresh logo program will be revoked for the remainder of the license year.

(c) Prior to the imposition of penalties under (a) or (b) above the individual charged with a violation of the regulations shall be afforded the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.

(d) Upon revocation of a license, a packer may apply for a license for the next license year.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Building Subcode

Notice of Correction: N.J.A.C. 5:23-3.14

Take notice that an error appears in the April 1, 1985 issue of the New Jersey Register at 17 N.J.R. 810(a) concerning Article 25 of the building subcode, entitled “Repair, Alteration, Addition to, and Change of Use of Existing Buildings.” The Department of Community Affairs did not intend to adopt any amendments to Article 25 of the building subcode. Therefore, N.J.A.C. 5:23-3.14(c)5 should not have appeared as it did in the adoption notice. N.J.A.C. 5:23-3.14 should have appeared as follows:

5:23-3.14 Building subcode

(a)-(b) (No change.)

(c) The following articles or sections of the 1985 Supplement to the building subcode are modified as follows:

1.-4. (No change.)

5. Article 25 of the 1985 Supplement to the building subcode is not adopted.

6. (No change.)

(b)

LOCAL FINANCE BOARD

Local Authorities Audit Reports

Adopted New Rule: N.J.A.C. 5:31-7.5

Proposed: March 4, 1985 at 17 N.J.R. 504(a).

Adopted: April 20, 1985 by Local Finance Board, Barry P. Clark, Executive Secretary.

Filed: May 13, 1985 as R.1985 d.283, without change.

Authority: N.J.S.A. 40A:5A-1 et seq., specifically 40A:5A-10 and 15 (L.1983, c.313).

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): December 1, 1989.

Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

5:31-7.5 Audit reports and financial reporting practices for special districts

(a) All district audits shall be completed and the audit reports thereon shall be filed with the governing bodies within four months after the close of the district’s fiscal year or within such shorter period specified in the statute authorizing the creation of the district. After expiration of the due date, the Division shall have the prerogative to perform the audit itself or to engage a qualified auditor to conduct the audit. The cost of any such work, after approval by the Director, shall be billed to and paid by the district.

(b) Each audit report shall include the auditor’s report on the financial statements and the following information for the current and immediately preceding fiscal year:

1. Financial Statements:

i. General Fund:

- (1) Comparative balance sheet;
- (2) Statement of revenue, expenditures and changes in fund balance—budget and actual;
- (3) Statement of expenditures compared to budget;
- (4) Statement of receipts, disbursements and changes in cash investments.

ii. Capital Fund:

- (1) Comparative balance sheet;
- (2) Combining balance sheet;
- (3) Combining statement of revenue, expenditures and changes in fund balance;
- (4) Combining statement of receipts, disbursements and changes in cash and investments;
- (5) Combining statement of amount to be provided for retirement of debt;

- (6) Combining statement of improvement authorizations;
- (7) Combining statement of bond anticipation notes payable;

(8) Combining statement of serial bonds payable.

iii. General Fixed Asset Account Group:

- (1) Comparative balance sheet.
- 2. Notes to financial statements;
- 3. Statistical information;
- 4. Roster of officials;

5. General comments and recommendations, including the auditor's report on internal control.

(c) Within five days after the audit report is filed with the district, the auditor shall file a copy with the Director and with the governing body of the local unit having created the district.

(d) The auditor shall file a copy of the completed internal control questionnaire with the Bureau of Authority Regulation in the New Jersey Division of Local Government Services within 15 days of filing the audit report.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Health, Safety and Physical Education Athletics Procedures

Adopted Amendments: N.J.A.C. 6:29-6.4

Proposed: March 18, 1985 at 17 N.J.R. 659(a).

Adopted: May 1, 1985 by State Board of Education, Saul Cooperman, Secretary.

Filed: May 10, 1985 as R.1985 d.281, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15, 18A:35-5, 18A:35-7, 18A:36-1 and 18A:40-1.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): May 1, 1989.

Summary of Public Comments and Agency Responses and Reasons for Making Changes:

The Department received 17 letters on the proposed rules with the following suggestions:

1. N.J.A.C. 6:29-6.4(f) should require that the district schedule the school health examination in August with make-up examination in early September.

2. Since the pupil who participates in a fall sport and a spring sport will only be required to undergo an examination 60 days prior to the first practice of the fall sports season, but not the spring sports season, a number of commenters felt that the rule should require interseason medical histories and medical examinations.

3. The rule should clarify “. . . freedom from injury and full recovery from illness shall be prerequisites to participation in athletics . . .”

4. The rule should clarify “. . . the medical inspector may accept the report of such an examination by a physician licensed to practice medicine.”

5. The rule should require abbreviated examinations and medical history questionnaires between athletic seasons.

6. The new regulations will increase the length of time required to administer the medical examination and therefore make the examination more costly.

7. The rules do not specify how assessments are to be made.

8. The requirements for testing for gross hearing loss is insufficient. An audiometric screening should be required to determine the degree of hearing loss.

9. A urinalysis should not be required because it will not provide useful information.

10. The rule should require that the health history questionnaires be completed by the parent and reviewed by the school nurse prior to participation in winter or spring sport.

11. The rule should specify that an “**immediate**” family member was “**diagnosed**” as sudden death.

12. Do not require the report by the outside physician to be completed on a form furnished by the district board of education.

13. Do not permit the examination to be administered by a physician other than the medical inspector or designated team doctor. Such a change does not insure quality control of the physical examination procedure.

14. Change the term “medical record” to “health record” in order to be consistent with N.J.S.A. 18A:40-4.

15. The rule should require that the medical history questionnaire be completed **prior** to the physical examination.

The Department responded to each of these comments in the following manner:

1. The scheduling of the health examination in August with a make-up examination in early September is possible within provisions of (N.J.A.C. 6:29-6.4(f)).

2. Only one examination is required each school year. Districts may adopt a policy of additional examinations (N.J.A.C. 6:29-6.4(f)).

3. This determination, which requires expert judgment as to the fitness of candidates, is left to the professional judgment of the district's medical inspector (N.J.A.C. 6:29-6.4(f)).

4. N.J.A.C. 6:29-6.4(f) is clear in that it allows examinations to be conducted by outside physicians. However, such examinations are to be in accordance with the provisions of this rule and the policies adopted by the district board of education.

5. A requirement of abbreviated examinations and medical histories between seasons would be excessively expensive. The district may, however, choose to adopt such a policy (N.J.A.C. 6:29-6.4(f)).

6. The department is aware that additional time will be necessary for conducting the medical examinations required in N.J.A.C. 6:29-6.4. However, these rules will result in a more thorough assessment of pupil fitness to participate in athletics. Districts may accommodate any increased costs through budget adjustment.

7. The rules identify areas to be assessed. However, the method of assessment is left to district's determination (N.J.A.C. 6:29-6.4(f)).

8. The purpose of examination is to determine fitness of pupil to participate in athletics. Gross loss of hearing alone is deemed insufficient to warrant prohibition of athletic participation. Audiometric screening is not necessary to fulfill the intent of these rules. The district, however, may adopt such a procedure as part of its policy (N.J.A.C. 6:29-6.4(f)).

9. The Department has removed its requirement of a urinalysis. This has been done in light of the comments received and the realization that in all likelihood the urinalysis would not predict or reveal pathological problems (N.J.A.C. 6:29-6.4(e)3).

10. The rule requires that the medical history questionnaire be completed by the parent or legal guardian at the time of the medical examination. The medical questionnaire will be re-

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tained by the district board of education pursuant to N.J.A.C. 6:3-2.4 and 2.5. Review by the school nurse is permissible should the district choose to adopt such a policy (N.J.A.C. 6:29-6.4(f)) that is consistent with N.J.A.C. 6:3-2.4 and 2.5.

11. Positive response to a history of sudden death within a family would not alone preclude athletic participation. The medical inspector has full knowledge of the implications of a family member reported as having died suddenly (N.J.A.C. 6:29-6.4(e)1.xi).

12. A special form is required to assure consistency in quality of examinations and compliance with required elements in instances when an outside physician is used (N.J.A.C. 6:29-6.4(f)).

13. The district medical inspector maintains the prerogative to refuse the results of an examination administered by an outside physician if its authenticity is suspect or if it is incomplete (N.J.A.C. 6:29-6.4(f)).

14. The department agrees and has replaced the word "medical" with "health" in N.J.A.C. 6:29-6.4(d).

15. As part of the medical examination, the timing for completing the medical questionnaire is left to the discretion of the district board of education. Nothing in the rule would prevent a district from adopting a policy to require that the questionnaire be completed prior to the physical examination (N.J.A.C. 6:29-6.4(f)). It is therefore not necessary to include such a requirement.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

6:29-6.4 Athletics procedures

(a)-(b) (No change.)

(c) Upon the recommendation of the chief school administrator, the district board of education shall adopt, and thereafter, annually review a policy of emergency medical procedures for all practice sessions, and competitive contests, games, events or exhibitions with individual pupils or teams of one or more schools of the same district or of other districts. Said policy should be disseminated to appropriate personnel.

(d) Good physical condition, freedom from injury and full recovery from illness shall be prerequisites to participation in athletics, whether in practice or in competition. Each candidate for a place on a school athletic squad or team shall be given a medical examination by the medical inspector or designated team doctor no more than 60 days prior to the first practice session or in lieu thereof, the medical inspector may accept the report of such an examination by a physician licensed to practice medicine. Any examination which shall be used to determine the fitness of a pupil to participate in athletics shall not be given before the first day of the school year, as defined in N.J.S.A. 18A:36-1, for which such fitness is being determined. Each candidate must undergo one medical examination in each school year. The parent or legal guardian shall receive written notification signed by the medical inspector or team doctor testifying to the pupil's physical fitness to participate in athletics. The reasons for the medical inspector's or team doctor's approval or disapproval of the pupil's participation shall be included in such notification. The health findings of the medical examination for participation in athletics shall be made a part of the general ***[medical]* *health*** examination record.

(e) A medical examination to determine the fitness of a pupil to participate in athletics shall include, as minimum, no less than the following:

1. A medical history questionnaire, completed by the parent or legal guardian of the pupil, to determine if the pupil:

- i. Has been medically advised not to participate in any sport, and the reason for such advice;
- ii. Is under physician's care and the reasons for such care;
- iii. Has experienced loss of consciousness after an injury;
- iv. Has experienced a fracture or dislocation;
- v. Has undergone any surgery;
- vi. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
- vii. Has allergies including hives, asthma and reaction to bee stings;
- viii. Has experienced frequent chest pains or palpitations;
- ix. Has a recent history of fatigue and undue tiredness;
- x. Has a history of fainting with exercise; and
- xi. Has a history of a family member having sudden death.

2. A physical examination which shall include, as a minimum, no less than the following:

- i. Measurement of weight, height and blood pressure;
- ii. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice and purpura;
- iii. Examination of the eyes to determine visual acuity, use of eyeglasses, or contact lenses, and examination of the ***[sclerae]* *sclera*** for the presence of jaundice;
- iv. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
- v. Examination of the nose to assess the presence of deformity which may affect endurance;
- vi. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
- vii. Examination of chest contour;
- viii. Auscultation and percussion of the lungs;
- ix. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate before and after exercise;
- x. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly or abnormal masses;
- xi. Assessment of the back to determine range of motion and abnormal curvature of the spine;
- xii. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
- xiii. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
- xiv. Assessment of physiological maturation; and
- xv. Neurological examination to assess balance and coordination and the presence of abnormal reflexes; and

[3. A urinalysis for glucose, protein and red blood cells.]

(f) The district board of education shall adopt policy regarding the content and procedures for the administration of the medical examination required in (d) above. Nothing in this section shall be interpreted as precluding the district board of education from adopting content and procedures in excess of the minimum requirements set forth herein. Any examination conducted by a physician other than the medical inspector or designated team doctor must be reported to the medical in-

spector or designated team doctor on a form furnished by the district board of education and, as a minimum, include that content adopted by the board. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector or designated team doctor, such examination shall not be at the expense of the district board of education.

(d)-(e) recodified as (g)-(h).

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Bureau of Shellfish Control Shellfish-Growing Water Classification

Adopted Amendments: N.J.A.C. 7:12-1.3 and 1.4

Proposed: March 18, 1985 at 17 N.J.R. 661(a).

Adopted: May 10, 1985 by Robert E. Hughey, Commissioner, Department of Environmental Protection.

Filed: May 13, 1985 as R.1985 d.290, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-9 and 58:24-1 et seq.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): June 6, 1988.

DEP Docket No.: 011-85-02.

Summary of Public Comments and Agency Responses:

No comments received. However, two changes to the proposal are made by the department as follows.

First, a buoy is added to the delineation of one of the Condemned area lines in Western Barnegat Bay. This additional marker will allow shellfishermen to more easily identify the existing Condemned line and will not change the total area available for harvest. (N.J.A.C. 7:12-1.3(a)15iii)

Second, a buoy used to delineate the Condemned area at Abesecon Inlet has been relocated because of action taken by the United States Coast Guard, due to changes in the depth of the water. This change will result in a net increase of 630 acres in approved waters available for the harvest of shellfish. (N.J.A.C. 7:12-1.3(a)39iii)

In addition, because portions of an amendment to this rule adopted at 14 N.J.R. 655(a) and effective June 21, 1982 were incorrectly reproduced in supplements to the New Jersey Administrative Code at N.J.A.C. 7:12-1.3(a)15 and 39i, they are corrected in this adoption.

Full text of the adoptions follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

7:12-1.3 Growing water condemnations

(a) Charts designating growing water classifications are hereinafter described are available from the Bureau of Shellfish Control Offices, Marine Police Stations, and Shellfisheries Field Offices at Bivalve and Nacote Creek. However, all persons are cautioned that emergency closure may be necessary and may not be charted. These Shellfish Growing Water Classification Charts are developed from Nautical Charts Number 12327 New York Harbor, 79th Edition, July 2, 1983; Number 12324 Intracoastal Waterway, Sandy Hook to Little Egg Harbor, 21st Edition, March 5, 1983; Number 12316 Intracoastal Waterway, Little Egg Harbor to Cape May, 20th Edition, November 27, 1982; and Number 12304 Delaware Bay, 28th Edition, April 17, 1982. The State Department of Environmental Protection hereby condemns all shellfish growing waters or other places from which shellfish are or may be taken, at all times of the year, except when otherwise noted in N.J.A.C. 7:12-1.4, 1.5, and 1.6.

1.-3. (No change.)

4. Shrewsbury River area (A portion is designated as Special Restricted Area):

i. (No change.)

ii. Special Restricted area: All of the Shrewsbury River and tributaries thereof (not including the Navesink River; see paragraph 5 below) with the exception of those areas listed below (at sub-paragraphs (1)-(8)) which shall remain Condemned.

(1) (No change.)

(2) All waters in Little Silver Creek and its tributaries north and west of a line beginning on the point of land immediately south of the southern extent of Rumson Drive and bearing approximately 155 degrees true to its terminus on the easternmost point of land adjacent to the end of Little Silver Point Road on the southern bank.

(3) (No change.)

(4) All of that portion of the Shrewsbury River that includes the confluence of Parker and Oceanport Creeks, including Parker and Oceanport Creeks and their tributaries south and west (upstream) of the fixed bridge for Seven Bridges Road.

(5) (No change in text.)

(6) (No change in text.)

(7) (No change in text.)

(8) (No change in text.)

5.-10. (No change.)

11. Barnegat Bay-Brick Township area and Dover Township from the Metedeconk River to Toms River (A portion is designated seasonal. See: N.J.A.C. 7:12-1.5):

i.-iv. (No change.)

v. All waters of Applegate Cove south and west of a straight line beginning on Tilton Point and bearing approximately 334 degrees T, to the easternmost point of land on the northern shore of Applegate Cove.

vi. (No change in text.)

12.-14. (No change.)

15. Western Barnegat Bay-Forked River to Conklin Island. (A portion is designated as seasonal. See: N.J.A.C. *7:12-4.4* *7:12-1.4*.):

i.-ii. (No change.)

iii. All waters south and west of a line beginning on the northern bulkhead at the mouth of an unnamed lagoon (lying between Beacon Drive and Nautilus Road in Ocean Township) and bearing approximately 180 degrees T to Department maintained marker "AA" (located approximately 400 yards east of Flashing Red Light 2 (F1 R "2")) at the mouth of Waretown Creek) and then bearing approximately 195 de-

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grees T to the Department maintained marker "BB" (located approximately 400 yards east of the mouth of South Harbor) and then bearing approximately 200 degrees T *, **through Department maintained marker "CC",*** to Flashing Red light 2 (FL R "2") marking the entrance to the Barnegat Beach lagoon system where it terminates.

iv. (No change.)

16.-23. (No change.)

24. Reed Bay area: (A portion is designated as Seasonal. See N.J.A.C. 7:12-1.4):

i. (No change in text.)

ii. (No change.)

25.-36. (No change.)

37. Delaware Bay area (A portion is designated as Seasonal. See: N.J.A.C. 7:12-1.4.):

i.-ix. (No change.)

x. Nantuxent Cove area (A portion is designated as Seasonal. See N.J.A.C. 7:12-1.4):

(1)-(2) (No change.)

(3) All of Beach Creek.

xi. Cohansey Cove-Cohansey River Area: All of Delaware Bay, Cohansey Cove, Cohansey River, and tributaries inshore and upstream of a line from Fl 2.5 sec 4 M "3" and bearing 99 degrees T to a Department-maintained marker on the mainland and terminating.

xii.-xiii. (No change.)

38. (No change.)

39. Atlantic Ocean

i. All of the ocean waters east of a line connecting the northernmost point of Sandy Hook and the southwesternmost point of Rockaway Point and south of the New York State line and extending to and following the New Jersey three nautical mile jurisdictional limit in a southerly direction until it intersects a line bearing approximately 269 degrees T connecting a point with coordinates of latitude 40 degrees 20.8 minutes N., longitude 73 degrees 47.7 minutes W. (generally marked by a buoy charted as *[BW "BA" Mo (A) WHIS]* ***W Or "BA" Gp Fl(4) 20 sec WHISTLE*** marking the separation zone of the Ambrose-Barnegat traffic lane) and the radio tower located at the New Jersey Marine Police Station, 128 Ocean Avenue, Borough of Monmouth Beach, with coordinates of latitude 40 degrees 20.5 minutes N., longitude 73 degrees 58.5 minutes W., then along that line to a point 1.5 nautical miles directly offshore, then along the shoreline in a southerly direction 1.5 nautical miles offshore until it intersects a line beginning at the water tank located on 509 Monmouth Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08.8 minutes N., longitude 74 degrees 02.2 minutes W., and bearing approximately 085 degrees T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08.8 minutes N., longitude 74 degrees *[02.2 minutes W., and bearing approximately 085 degrees T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08.8 minutes N. longitude 74 degrees]* 01.5 minutes W., then proceeding from that point of intersection in a westerly direction along that line towards the above noted dome until it is 0.5 nautical miles directly offshore, then continuing in a southerly direction 0.5 nautical miles offshore until it intersects a line bearing approximately 146 degrees T from the water tank located on Lake Avenue, Borough of Bay Head, with coordinates of latitude 40 degrees 04.1 minutes N., longitude 74 degrees 02.7 minutes W., then proceeding in a southeasterly direction along that line for approximately 2.2 nautical miles until it intersects a line at coordinates of latitude 40

degrees 01.6 minutes N., longitude 74 degrees 00.5 minutes W., bearing approximately 056 degrees T from the water tank located on Normandy Way in the Normandy Beach section of Dover Township, with coordinates of latitude 39 degrees *[59.0]* ***59.9 minutes N., longitude 74 degrees 03.8 minutes W. This point of intersecting*** lines is approximately two nautical miles from the shoreline and has coordinates of latitude 40 degrees 01.6 minutes N., longitude 74 degrees 00.5 minutes West. The line then continues bearing approximately 236 degrees T (reciprocal 056 degrees T) from the point of intersection towards the above noted water tank in Normandy Beach for approximately 1.4 nautical miles until it is one nautical mile directly offshore, then continuing in a southerly direction one nautical mile offshore until it intersects a line bearing approximately 132 degrees T from the water tank located on 127 Decatur Avenue, Borough of Seaside Park, with coordinates of latitude 39 degrees 56.1 minutes N., longitude 74 degrees 04.7 minutes W., then proceeding in a southeasterly direction along that line for approximately 0.6 nautical miles until it intersects a line bearing approximately 096 degrees T from the water tank located on the corner of Barnegat Avenue and 12th Avenue, Borough of Seaside Park, with coordinates of latitude 39 degrees 54.9 minutes N., longitude 74 degrees 05.0 minutes West. This point of intersecting lines is approximately 1.5 nautical miles from the shoreline and has coordinates of latitude 39 degrees 54.7 minutes N., longitude 74 degrees 02.7 minutes West. The line continues from this point along the shoreline in a southerly direction 1.5 nautical miles offshore until it intersects a line bearing approximately 096 degrees T from the cupola located on top of Island Beach State Park's Maintenance Center (the old Coast Guard Station number 110), with coordinates of latitude 39 degrees 53.7 minutes N., longitude 74 degrees 04.9 minutes West. This point of intersecting lines has coordinates of latitude 39 degrees 53.6 minutes N., longitude 74 degrees 02.9 minutes West. The lines continues from this point bearing approximately 218 degrees T (reciprocal 038 degrees T) to the first ocean bath house and concession building from the entrance of Island Beach State Park (approximately 3.3 statute miles south of Park's entrance) with coordinates of latitude 39 degrees 51.2 minutes N., longitude 74 degrees 05.2 minutes W., and terminating. This condemnation adjoins the closures defined in (a)3i, ii, 6i and 8i;

ii. (No change.)

iii. All of the ocean waters inshore of a line beginning at the water tank at 44th Street and Bayshore Avenue, City of Brigantine, with coordinates of latitude 39 degrees*[23.4]* ***23.5*** minutes N., longitude 74 degrees*[23.4]* ***23.8*** minutes W., and bearing approximately *[157]* ***179*** degrees T for approximately 2.5 nautical miles to a point with coordinates of latitude 39 degrees *[21.2]* ***21.0*** minutes N., longitude 74 degrees *[22.5]* ***23.7*** minutes W. (generally marked by a buoy charted as *['1A' Fl G 4 sec]* ***'1' Fl G 4s*** GONG at the entrance to Absecon Inlet), then bearing approximately *[276]* ***299*** degrees T (reciprocal *[096]* ***119*** degrees T) for approximately *[1.9]* ***1.1*** nautical miles towards the outermost tip of Garden Pier, Atlantic City, until it is 0.25 nautical miles directly offshore, then parallel along the shoreline in a southwesterly direction, 0.25 nautical miles offshore, for approximately *[1.3]* ***1.2*** nautical miles until it intersects a line bearing approximately 153 degrees T from the center of Convention Hall, Atlantic City, then proceeding in a southeasterly direction along that line for approximately 1.75 nautical miles to a point with coordinates of latitude 39 degrees 19.4 minutes N., longitude 74 degrees 25.1 minutes W., then from this point which is approximately 2 nautical

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miles offshore, the line runs parallel to the shoreline in a southwesterly direction for approximately 2.1 nautical miles to point with coordinates of latitude 39 degrees 18.4 minutes N., longitude 74 degrees 27.5 minutes W., then bearing approximately 333 degrees T (reciprocal 153 degrees T) for approximately 1.9 nautical miles to the outermost tip of the Ventnor City Fishing Pier located at the Boardwalk and South Cambridge Avenue, City of Ventnor, then along that pier to the shore and terminating. This condemnation adjoins the closure defined in (a)26i.

iv. (No change.)

v. All of the ocean waters inshore of a line beginning at the American Legion Building (the old Coast Guard Station) located at the corner of Second Avenue and 117th Street, Borough of Stone Harbor, with coordinates of latitude 39 degrees 02.4 minutes N., longitude of 74 degrees 46.2 minutes W. and bearing approximately 180 degrees T for approximately 3.4 nautical miles to a point with coordinates of latitude 38 degrees 59.0 minutes N., longitude 74 degrees 46.2 minutes W. (generally marked by a buoy charted as R "8" Fl R 4 sec BELL at the entrance to Hereford Inlet), then bearing approximately 237 degrees T towards light Fl 4 sec 30 ft. 7M at the end of the east jetty at Cape May Inlet for approximately one nautical mile to a point with coordinates of latitude 38 degrees 58.5 minutes N., longitude 74 degrees 47.3 minutes W., then bearing approximately 312 degrees T to the stand-pipe located on the corner of New Jersey Avenue and Maple Avenue, City of Wildwood, with coordinates of latitude 38 degrees 59.5 minutes N., and longitude of 74 degrees 48.8 minutes W., and terminating. This condemnation adjoins the closure defined in paragraph 35i of this subsection;

vi.-vii. (No change.)

7:12-1.4 Seasonally Approved Growing Waters (Approved November 1 through April 30, Condemned May 1 through October 31, yearly)

(a) The Seasonal waters described in this subchapter shall be Condemned for the harvest of shellfish from May 1 through October 31 yearly and Approved for the harvest of shellfish from November 1 through April 30 yearly. The areas are designated on the charts referred to in N.J.A.C. 7:12-1.3 and are described as:

1.-3. (No change.)

4. Absecon Bay-Absecon Channel Reed Bay area: Seasonal Condemned May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. (No change.)

ii. All the waters northwest of a line from a Department maintained marker southwest of Somers Cove and bearing approximately 215 degrees T to another Department maintained marker on an unnamed point of land and terminating.

5. (No change.)

6. Ocean City-Somers Point area-Great Egg Harbor Bay: Seasonal-Condemned May 1 through October 31, yearly; Approved November 1 through April 30, yearly:

i. All the waters contained within a line from the base of the Ocean City-Longport Bridge in Ocean City, extending to the southern end of the bascule, then bearing approximately 250 degrees T to "RB" N buoy, then bearing approximately 227 degrees T to the northern end of the bascule on the Ocean City-Somers Point Bridge, then bearing approximately 261 degrees T to Cowpens Island and along the southern shoreline

in a westerly direction to a Department-maintained marker, then bearing approximately 286 degrees T to the easternmost tip of the unnamed island adjacent to Shooting Island, then bearing approximately 149 degrees T to the end of West 16th Street, Ocean City, then along the Ocean City shoreline in a northeasterly direction, across the mouth of the Lagoon to the point of origin at the base of the Ocean City-Longport Bridge and terminating.

7.-9. (No change.)

HEALTH

(a)

PUBLIC HEALTH COUNCIL

**Communicable Diseases
Immunization of Pupils in Schools; Mumps
Vaccine**

Adopted Amendment: N.J.A.C. 8:57-4.15

Proposed: February 19, 1985 at 17 N.J.R. 358(a).

Adopted: April 30, 1985 by Mrs. Evelyn Geddes, Chairperson, Public Health Council.

Filed: May 6, 1985 as R.1985 d.264, **without change.**

Authority: N.J.S.A. 26:1A-7.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): July 18, 1988.

Summary of Public Comments and Agency Responses:

COMMENT:

A letter was received from the Association for Children of New Jersey (ACNJ). ACNJ agreed with the amendment that will cover children coming into schools from out-of-state. ACNJ also felt the amendment would continue and expand the high level of immunization in the New Jersey school systems, benefiting the general public, schools and public health agencies.

RESPONSE:

The Department acknowledged receipt of the letter of support of the amendment and believes the amendment would continue and expand the high level of immunization in school systems ultimately benefiting the general public.

Full text of the adoption follows.

8:57-4.15 Mumps vaccine

(a) Every pupil, born on or after January 1, 1973, shall have received mumps virus vaccine, live, or any vaccine combination containing mumps vaccine, live.

(b) (No change.)

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HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Home Health Services Manual Community Care Waiver Program for the Elderly and Disabled

Adopted New Rule: N.J.A.C. 10:60-4

Proposed: November 19, 1984 at 16 N.J.R. 3161(a).
Adopted: May 3, 1985 by George J. Albanese, Commissioner, Department of Human Services.
Filed: May 3, 1985 as R.1985 d.263, **with substantive and technical changes** not in violation of N.J.A.C. 1:30-3.5.

Authority: N.J.S.A. 30:4D-6b(2) (6) (15) (16); N.J.S.A. 30:4D-7a, b, c; 1915(c) of the Social Security Act.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): June 3, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Changes Between Proposal and Adoption:

Upon adoption the rule proposed as N.J.A.C. 10:60-3 is being recodified as N.J.A.C. 10:60-4. This is being done because of a proposed recodification of existent material to a new Subchapter 3 as part of a proposed readoption at 17 N.J.R. 28(a). This simply necessitates the renumbering of the sections reflecting a change in the subchapter codification.

There is one textual change being made upon adoption. Section 4.3(d) is being added to indicate that effective April 1, 1985, up to \$75.00 of the beneficiary's cost share liability will be excluded and not collected by the State. This provision may make it easier for persons to qualify for services provided by the CCPED program.

Full text of the proposal follows (additions indicated in boldface with asterisks ***thus***; deletions indicated in brackets with asterisks ***[thus]***).

SUBCHAPTER ***[3.]* *4.*** COMMUNITY CARE PROGRAM FOR THE ELDERLY AND DISABLED

10:60-***[3.1]* *4.1*** Purpose

The Community Care Program for the Elderly and Disabled was initiated because persons are institutionalized, not for medical reasons necessarily, but because of the limited health and social services available to them in their homes or communities, and their inability to pay for these services or have them covered by Medicaid.

10:60-***[3.2]* *4.2*** Scope and authority

(a) The provision for states for obtaining waivers for home or community based services was part of the Federal Omnibus

Budget Reconciliation Act of 1981 (Section 2176, P.L. 97-35). This law was codified as Section 1915 (c) of the Social Security Act and may be cited as 42 U.S.C. 1396 n.

1. Under the provisions of this Federal legislation, the New Jersey Department of Human Services submitted a request for a waiver for home and community-based services to the United States Department of Health and Human Services, who granted approval effective October 1, 1983 for a period of three years. The regulations that follow describe the basic provisions of this waiver.

10:60-***[3.3]* *4.3*** Features of the Community Care Program for the Elderly and Disabled (the Waiver Program)

(a) By waiving "Statewideness," the program will allow the development of approximately 600 community care slots per year for a total of 1,800 in three years. Participation will be phased-in over a three year period beginning October 1, 1983, 1984 and 1985 until all 21 counties are served. Each selected county will have a designated case management site such as a County Welfare Agency, a Medicaid District Office, or a Home Health Agency. The first-year counties are: Bergen, Gloucester, Ocean, Burlington, Somerset, Morris and Atlantic. The second year counties are Cape May, Hudson, Hunterdon, Mercer, Middlesex, Passaic, Salem, Sussex and Warren. The third year counties are Cumberland, Camden, Union, Monmouth and Essex.

(b) In order to be eligible for the Community Care Program for the Elderly and Disabled an individual must meet the following criteria:

1. 65 years or older; or determined disabled under the Social Security Act and receiving Social Security disability payments; and

2. Eligible for Medicare; and

3. Assessed as in need of skilled or intermediate facility care; and

4. Has income which exceeds the SSI community standard for the appropriate living arrangement, but is less than the Medicaid institutional cap.

i. Financial eligibility is determined by the 21 County Welfare Agencies each of which use income eligibility standards that appear in the N.J.A.C. 10:94-5.6(c)5, Table B, entitled Variations in Living Arrangements. Both the SSI community standard, and the Medicaid institutional cap, appear in this table. The actual amounts are recomputed periodically and published by the Division of Public Welfare, at N.J.A.C. 10:94-5.6(c)5 Table B.

(c) Services provided under this program will complement services provided under the Medicare program. A modified Medicaid services package will be made available.

1. Services provided under the Community Care Waiver Program for the Elderly and Disabled will include these present Medicaid covered services plus four new services.

i. The three present Medicaid covered services are:

(1) Home Health Care;

(2) Medical Day Care;

(3) Non-emergency medical transportation.

ii. The four new services are:

(1) Case management;

(2) Social adult day care;

(3) Homemaker care;

(4) Respite care.

iii. Other Medicaid services will not be available to the waived population.

(d) All beneficiaries will be required to share in the cost of the services package as defined by Federal regulations (42

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CFR 435.726) if their income minus the cost of paid medical expenses not subject to third party payment exceeds maintenance needs as defined by SSI standards.

1. Effective April 1, 1985, up to \$75.00 of the beneficiary's cost-share liability will be excluded and not collected by the State.

(e) Financial controls are built into the Community Care Program for the Elderly and Disabled.

1. Total program costs are restricted by limits placed on the number of community care slots assigned each county and on per person costs.

2. A case manager will be responsible for the development of the service plan with each client/family with input from the provider agencies and Medicaid professional staff, and for monitoring the cost of the services package.

3. Prior authorization of the service plan will be performed by the Medicaid District Office Medical Evaluation Team, comprised of a physician, registered nurse and social worker.

4. The State may elect to exclude individuals for whom there is an expectation that the cost to Medicaid of Community Care Services would be more than 70 percent of long-term facility care.

(a)

DIVISION OF PUBLIC WELFARE

**Medicaid Only Manual
Medicaid District Offices**

Adopted Amendment: N.J.A.C. 10:94-3.16

Proposed: January 7, 1985 at 17 N.J.R. 38(a).

Adopted: May 13, 1985 by George J. Albanese, Commissioner, Department of Human Services.

Filed: May 13, 1985 as R.1985 d.291, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): July 20, 1988.

Summary of Public Comments and Agency Responses:

The Division of Medical Assistance and Health Services and the Hudson County Welfare Agency each observed that some Medicaid district office addresses and telephone numbers were incorrect. Both commenters submitted updated information which has been incorporated in the adoption.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***).

10:94-3.16 Medical assistance units

(a) Medicaid district office (MDO): The Division of Medical Assistance and Health Services has local medical offices throughout the State, known as Medicaid district offices (MDOs). The role of these offices is to provide liaison with providers of health services; provide information about Medicaid to recipients and members of the community; provide utilization review in determining the medical need for certain

covered services requiring prior authorization; and provide information about Medicaid to, and cooperate with, appropriate agencies in order to ensure maximum utilization of the services available through the Medicaid program.

(b) Any questions with respect to policy, regulations, or procedures of the Medicaid program should be directed to the appropriate MDO as listed below:

Atlantic	1 S. New York Avenue Atlantic City *, NJ 08401* (609) *[411-3620]* *441-3620*
Bergen	50 Main Street, 1st floor Hackensack *, NJ 07601* (201) 488-5667
Burlington	50 Rancocas Road Mt. Holly *, NJ 08060* (609) *[261-0488]* *261-0448*
Camden	Parkade Building, Room 207 519 Federal Street Camden *, NJ 08101* (609) 757-2870
Cape May	*[501 Landis Avenue (basement)]* *108 Landis Avenue* Vineland *, NJ 08360* (609) 696-6560
Cumberland	*[501 Landis Avenue (basement)]* *108 Landis Avenue* Vineland *, NJ 08360* (609) 696-6560
Essex	155 Washington Street Newark *, NJ 07102* (201) [648-2470] *, 648-3700*
Gloucester	Woodbury Plaza *, Suite B* 251 N. Delsea Drive *[Woodbury]* *Deptford, NJ 08096* (609) 845-7185
Hudson	*[800 Bergen Ave.]* *2815 Kennedy Blvd., 2nd floor* Jersey City *, NJ 07306* (201) *[792-6390]* *433-8011*
Hunterdon	84 Park Avenue *, 2nd floor* Flemington *, NJ 08822* (201) 782-1130
Mercer	28 West State Street *, Room 1105* Trenton *, NJ 08608* (609) 292-7315
Middlesex	75 Paterson Street, *basement* New Brunswick *, NJ 08903* (201) 246-0653
Monmouth	1200 Memorial Drive Asbury Park *, NJ 07712* (201) 755-5700
Morris	10 Park Place *, 4th floor* Morristown, *, NJ 07960* (201) 267-1700
Ocean	1861 Hooper Avenue Toms River *, NJ 08753* (201) 255-6226
Passaic	100 Hamilton Plaza *, 9th floor* Paterson *, NJ 07505* (201) *[523-2800]* *977-4077*
Salem	Woodbury Plaza *, Suite B* 251 N. Delsea Drive *[Woodbury]* *Deptford, NJ 08096* (609) 845-7185

ADOPTIONS

Somerset 84 Park Place *, 2nd floor*
Flemington *, NJ 08822*
(201) 782-1130

Sussex 10 Park Place *, 4th floor*
Morristown, *, NJ 07960*
(201) 267-1700

Union 125 Broad Street
Hersh Towers, 6th floor
Elizabeth *, NJ 07201*
(201) *[648-4630]* *820-3135*

Warren *[84 Park Avenue, 2nd floor
Flemington (201) 782-1130]*
*10 Park Place, 4th floor
Morristown, NJ 07960
(201) 267-1700*

(a)

STATE PAROLE BOARD

**Establishment of Parole Release Dates;
Juvenile Inmates**

Notice of Correction: N.J.A.C. 10A:71-3.21

Take notice that an error appears in the May 6, 1985 issue of the New Jersey Register at 17 N.J.R. 1115 concerning schedule of presumptive parole release terms and ranges for parole release terms. N.J.A.C. 10A:71-3.21(a) should have appeared as follows:

10A:71-3.21 Establishment of parole release dates; juvenile inmates

(a) Except as provided herein, parole release dates shall be established by a hearing officer, a juvenile Board panel member or the juvenile Board panel pursuant to the following schedule of presumptive parole release terms and ranges for parole release terms.

Act of Delinquency	Presumptive Term (months)	Range (months)
...		
Crime of Second Degree *[Sale or Distribution of Controlled Dangerous Substance, or Possession of Controlled Dangerous Substance with Intent to Distribute]*	16	12-18
...		

(b)-(g) (No change.)

LABOR/HEALTH

(b)

**OCCUPATIONAL AND
ENVIRONMENTAL HEALTH
SERVICES**

LABOR/HEALTH

**DIVISION OF WORKPLACE
STANDARDS**

Asbestos Training Courses

**Joint Readoption: N.J.A.C. 8:60-2 and 6
and N.J.A.C. 12:120-2 and 6**

Proposed: March 18, 1985 and 17 N.J.R. 741(a).
Adopted: May 3, 1985 by J. Richard Goldstein, M.D.,
Commissioner, State Department of Health, and
Charles Serraino, Commissioner, Department of Labor.

Filed: May 3, 1985 as R.1985 d.262, with substantive
and technical changes not requiring additional public
notice and comment. (See N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 34:5A-39 (P.L. 1984, c.173).

Effective Date: May 3, 1985.

Expiration Date pursuant to Executive Order No.
66(1978): May 3, 1990.

Summary of Public Comments and Agency Responses:

The New Jersey Department of Health and Department of Labor held a joint public hearing concerning the proposed new rule on April 4, 1985 in Trenton, New Jersey. The public comment period remained open for 30 days through April 17, 1985. Eight persons testified at the public hearing:

- Ace Associates—Norman Cohn
- Applied Technology Associates—Philip J. van der Woude
- David Burke
- Environmental Health and Protection Associates—Joseph Wilson
- Guardian, Incorporated—Richard H. Frank
- Dr. Robert Olcerst
- Princeton Testing Laboratory—David Kichula
- Garth Walters

In addition, eight written comments were submitted by the following:

- Building Laborers' of New Jersey Training & Education Center
- Interstate Wrecking Company, Incorporated
- New Jersey State Building and Construction Trades Council, AFL-CIO
- New Jersey Utilities Association
- Public Service Electric and Gas Company
- Southwestern Pennsylvania Economic Development District
- Spill Control Institute
- The Asbestos Removal Corporation

The following summarizes the comments received and provides the departments' responses to these comments. All comments are on file at the Department of Health, the Department of Labor, and the Office of Administrative Law.

1. Comment: Section 12:120-6.2 and 8:60-2—Mr. David Burke recommended that a five or six week course of training be required instead of a 30 hour course. Applied Technology Associates recommended that a two week course of training be used for entry level asbestos abatement workers and that a one week course be used for maintenance workers who have a previous background of construction repair. The Southwestern Pennsylvania Economic Development District suggested that 60 hours would be better than 30 hours of training. The

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New Jersey State Building and Construction Trades Council, AFL-CIO, recommended that the core course be increased from 24 hours to 32 hours and that the supplementary course be lengthened from six hours to eight hours, making the total time of training 40 hours long.

Response: Thirty hours of training will be sufficient to adequately train asbestos workers to safely handle asbestos materials.

2. Section 12:120-6.3(a)4 and 8:60-6.3(a)4—This section has been modified to specify the topics which are required in the detailed outline of the course curriculum.

3. Comment: Section 12:120-6.3(a)12 and 8:60-6.3(a)12—Ace Associates and the Asbestos Removal Corporation questioned what provisions would be made for workers who do not speak English.

Response: There are no provisions in the Act which require that training be made available to persons who do not speak English. However, if the demand for such training is sufficient, it is anticipated that some training agency will develop and offer courses for persons who speak other languages.

4. Section 12:120-6.3(a)14 and 8:60-6.3(a)14—This section has been deleted since the training agencies will be provided with forms by the Department of Health with which they shall evaluate the students. This is now referenced in 12:120-6.4(c) and 8:60-6.4(c).

5. Section 12:120-6.4(c)(d)(e)(g)(h) and 8:60-6.4(c)(d)(e)(g)(h)—The wording “shall agree to” has been adjusted to read “shall” in order to clarify the intent of the regulations. In section 6.4(c), the language has been changed to require training agencies to use student evaluation forms provided by the Department of Health. This change is intended to ensure uniformity of evaluation methods and to reduce the burden on training agencies which would otherwise result from requiring each agency to independently develop such a form.

6. Comment: Section 12:120-6.4(e) and 8:60-6.4(e)—Dr. Robert Olcerst questioned why class size should be limited to 25 students.

Response: The Departments of Labor and Health believe that limiting class size is crucial to the success of these programs in order to allow students and teachers to interact effectively and to ensure that each student will receive sufficient individual attention.

7. Comment: Section 12:120-6.4(f) and 8:60-6.4(f)—The New Jersey State Building and Construction Trades Council, AFL-CIO, recommended that the course be lengthened from 30 hours to 40 hours.

Response: Thirty (30) hours of training will be sufficient to adequately train asbestos workers to safely handle asbestos materials.

8. Comment: Section 12:120-6.5(a) and 8:60-6.5(a)—The New Jersey State Building and Construction Trades Council, AFL-CIO, suggested deleting the section of the regulation which reads “A sufficient number of instructors shall be hired to ensure that all of the education and experience criteria for instructors set forth below are met:”

Response: The suggested deletion would reduce the effectiveness of the regulation.

9. Comment: Section 12:120-6.5(a)1. and 8:60-6.5(a)1.—The Spill Control Institute suggested broadening the instructors qualification in this section to include not only “experience in design, field performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs”, but also experience in hazardous wastes, DOT regulations, disposal decontamination

protocol, personal protective equipment, personal hygiene and heat stress, administration, insurance and bonding.

Response: It is believed that these additions are unnecessary in that they would place excessive burdens on training agencies.

10. Comment: Section 12:120-6.5(a)2 and 8:60-6.5(a)2.—The New Jersey State Building and Construction Trades Council AFL-CIO suggested deleting the requirement that a physician, nurse, health educator or another qualified health professional be employed to teach the sections concerning the health effects of asbestos. Similarly, the Spill Control Institute suggested that this section is too restrictive and suggested that there are very few physicians, nurses and health educators who have experience or particular knowledge concerning hazardous wastes or asbestos.

Response: These objections have been considered but it is believed a health professional is necessary to maintain the overall balance of the training program. The language has been changed to clarify the meaning.

11. Section 12:120-6.5(a)3. and 8:60-6.5(a)3. This section has been changed to clarify the intent of this requirement.

12. Comment: Section 12:120-6.5(a)4 and 8:60-6.5(a)4—The New Jersey State Building and Construction Trades Council, AFL-CIO, recommended deleting the requirement that instructors be used with experience designing, implementing and evaluating either employee educational programs in occupational health and safety or vocational educational programs.

Response: The unique perspective of those persons with previous experience in employee education is crucial to the success of these training programs.

13. Comment: Section 12:120-6.6(b) and 8:60-6.6(b)—The New Jersey State Building and Construction Trades Council, AFL-CIO, recommended deleting Sections 6.6(b)3—History of asbestos use, and 6.6(b)4—Magnitude of asbestos problem, from the required course curriculum. They also recommended that when the State Asbestos Policy is explained to the trainees that the trainees should be informed that work permits may be suspended or revoked if good work practices are not followed.

Response: It is important to provide each trainee with an understanding of the overall scale and history of asbestos use in order that trainees appreciate the serious public health consequences which have resulted from previous asbestos exposures. Furthermore, each training agency has considerable flexibility in how they choose to present these topics and there is no requirement for any specific length of time to be devoted to this topic. The suggestion that trainees be informed about penalties has been accepted.

14. Comment: Section 12:120-6.6(c) and 8:60-6.6(c)—The New Jersey State Building and Construction Trades Council, AFL-CIO, questioned the need for this section on the basis that the Health Department would have previously identified and evaluated the asbestos hazards in any building in which abatement will take place.

Response: The Health Department’s role in identifying and evaluating asbestos hazards has been limited to schools. The Act applies to all asbestos application and remediation activities whether they are located in schools or elsewhere. Furthermore, there is a need for the trainees to understand the elementary issues involved in identifying asbestos so that they will not be blindly and passively dependent on experts from the Health Department or elsewhere.

15. Section 12:120-6.6(d) and 8:60-6.6(d)—This section has been changed to correct a typographical error.

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16. Comment: Section 12:120-6.6(f) and 8:60-6.6(f)—The New Jersey State Building and Construction Trades Council AFL-CIO, suggested that further definition was needed to clarify this section.

Response: The section has been rewritten to clarify its meaning.

17. Section 12:120-6.6(g) and 8:60-6.6(g)—This section has been rewritten to ensure that the regulations are consistent with the language and intent of the Act.

18. Section 12:120-6.6(o) and 8:60-6.6(o)—Fire safety has been added as a required topic and three categories of emergency procedures have been specified for consideration during training: fire, medical emergencies and the failure of containment barriers.

19. Comment: Sections 12:120-6.6(p) and 8:60-6.6(p) and 12:120-6.8 and 8:60-6.8—The New Jersey State Building and Construction Trades Council, AFL-CIO, suggested that there should be more hands-on training and that respirators should be worn during the entire sequence of asbestos work to test the employees' endurance and capabilities to tolerate stressful conditions.

Response: The Departments of Labor and Health agree that these are important aspects of employee training and sections 12:120-6.2 and 6.6 and 8:60-6.2 and 6.6 have been rewritten.

20. Comment: Section 12:120-6.9(a)2 and 8:60-6.9(a)2—Environmental Health and Protection Associates suggested that there would be a need for follow-up evaluations by the Department of Health after certification has been granted to training agencies to ensure that strict standards for performing high quality training will not be relaxed.

Response: It is the intent of the Health Department to periodically review each training agency to ensure that high quality training is conducted.

21. Section 12:120-6.9(c)5 and 8:60-6.9(c)5—This section has been changed to allow authorized agents of the Commissioner of Health to certify training.

22. Section 12:120-6.11 and 8:60-6.11—This section has been added to inform applicants for certification of their rights to obtain a hearing to appeal unfavorable decisions by the Department of Health concerning the granting of certification.

23. Comment: Section 12:120-6.12 and 8:60-6.12—Dr. Robert Olcerst suggested that the State accept responsibility for developing and administering a uniform testing program so as to prevent the environmental and human contamination which might result from the activities of inadequately trained employees.

Response: The Department of Health has accepted the responsibility for administering a uniform testing program.

24. Section 12:120-6.12 and 8:20-6.12—This section has been revised to correct typographical errors.

25. Comment: There were several comments and questions received concerning the extent and scope of these regulations. Mr. Garth Walters questioned whether minor removals were included and whether employers not engaged in asbestos contracting are covered by the rule. Princeton Testing Laboratory questioned whether these rules apply to educational facilities, public buildings generally, or to all employees.

Public Service Electric and Gas and Jersey Central Power and Light Company stated their belief that the legislative interest in passing the Act was to address asbestos remediation hazards in schools rather than asbestos hazards in industry. Interstate Wrecking Company, Inc., suggested that rules for demolition should be distinct from rules which apply to removing asbestos from buildings which will be re-occupied.

Response: The Act requires that every employee performing functions of application, enclosure, removal or encapsulation of asbestos shall procure a performance permit. The definition of employers as used in the Act includes all private employers, partnerships and authorities and all political subdivisions of the state. The statutory language cannot be interpreted to require licensing only of contractors specializing in asbestos abatement work.

26. Comment: The New Jersey Utilities Association (NJUA) stated their opposition to the rule requiring training because it would cause duplication of existing OSHA standards and training. Furthermore the NJUA feels that the current level of training provided by the state's utilities to their employees is sufficient.

Response: The OSHA Asbestos standard does not require any training and therefore there is no duplication of existing OSHA training requirements.

The Act as passed November 1, 1984 requires that all workers (regardless of their employer) who are engaged in asbestos application removal, encapsulation or enclosure must receive training in order to receive a permit.

27. Comment: Dr. Robert Olcerst questioned whether there were provisions in the law to require annual retraining.

Response: The Act does mention continuing education and provisions for continuing education are covered by Section 12:120-5.7(a)2 (and 8:60-5.7(a)2).

28. Comment: Ace Associates questioned whether training was sufficient by itself to prevent environmental contamination and suggested that enforcement would also be necessary.

Response: Enforcement and education are both necessary. Furthermore, good job specifications specifically tailored to the individual circumstances of each project are also important in ensuring that asbestos work is done correctly.

29. Section 12:120-2.1 and 8:60-2.1—The definitions of contractor, employee, employer and subcontractor have been changed to clarify their meaning.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***).

SUBCHAPTER 2. DEFINITIONS

12:120-2.1 and 8:60-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

"Approved" means acceptable to the Commissioner of Labor.

"Asbestos" means the asbestiform varieties of chrysotile; crocidolite; amosite; anthophyllite; tremolite; or actinolite and includes any asbestos containing material.

"Asbestos containing material" means any material which contains more than one percent asbestos by weight.

"Asbestos employee" means an employee performing asbestos work.

"Asbestos work" means the application or enclosure or encapsulation or safe removal or disposal of asbestos.

"Commissioner" means the Commissioner of Labor or his authorized agent.

"Commissioner of Health" means the Commissioner of Health or his authorized agent.

"Contractor" means an ***[asbestos]*** employer ***who hires employees to perform asbestos work or performs the asbestos work directly***.

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“Control” means to exercise restraint or direction over any activity concerning asbestos for the purpose of reducing the number of airborne asbestos fibers.

“Division of Workplace Standards” means the Division of Workplace Standards of the New Jersey Department of Labor, CN 054, Trenton, N.J. 08625-0054.

“Employee” means *:

1. **Any** * [any] * person including supervisory personnel suffered or permitted to work by an employer* ; or

2. **A member of either a board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity directly performing asbestos work** *.

“Employer” means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity employing, permitting or suffering another to work. This term shall apply to private employers and to the State, its political subdivisions and any boards, commissions, schools, institutions or authorities created or recognized thereby. ***This term also includes contractors and subcontractors.***

“License” means a certificate documenting acceptance by the commissioner of a contractor as competent to perform the application or enclosure, or encapsulation or safe removal of asbestos.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Permit” means a certificate documenting acceptance by the commissioner of an employee as competent to perform the application or enclosure or encapsulation or safe removal of asbestos.

“Shall” means a mandatory requirement.

“Subcontractor” means an employer ***who hires employees to perform asbestos work or performs the asbestos work directly***.

SUBCHAPTER 6. CERTIFICATION OF TRAINING COURSES

12:120-6.1 and 8:60-6.1 Scope of subchapter

This subchapter shall apply to the procedures and qualifications required to obtain certification from the Commissioner of Health for training courses on asbestos abatement as provided for in the New Jersey Asbestos Application and Remediation Act (P.L. 1984, c.173).

12:120-6.2 and 8:60-6.2 Types of courses

(a) The basic core curriculum shall be presented over four days and shall include 24 hours of training at a minimum ***(exclusive of lunch and break times)***. The items which shall be presented in the core curriculum are listed in outline form in N.J.A.C. 12:120-6.6 and 8:60-6.6. All applicants for licenses shall attend a certified training course which covers this curriculum. All applicants for permits, except those who meet the criteria for experienced asbestos workers, shall also attend a certified training course which also covers this curriculum. ***[There shall be additional specialized training designed for the particular needs of each type of course participant. This specialized training shall provide specialized information in addition to the core curriculum and shall be at least six hours in length.]*** ***This core curriculum shall include a minimum of 8 hours of hands on practice in all phases of asbestos abatement operations including work area preparation. One full day (at least six hours) of training shall be devoted to practice in removing (non-asbestos) insulation materials with similar adherent properties as asbestos from surfaces which shall include both ceilings and pipes. The removal work shall in-**

clude wetting, scraping, cleaning, disposal and decontamination.*

(b) A supplementary course of at least six hours ***(exclusive of lunch and break times)*** shall be presented during a fifth day of training. Asbestos abatement supervisors and contractors shall receive specialized supplemental training designed to meet their particular needs. The items required to be included during this supplemental training are listed in N.J.A.C. 12:120-6.7 and 8:60-6.7. Asbestos abatement workers shall receive specialized supplemental training designed to meet their particular needs. The items required to be presented during this supplemental training are listed in N.J.A.C. 12:120-6.8 and 8:60-6.8.

12:120-6.3 and 8:60-6.3 Application for certification of training courses

(a) An applicant for certification of an asbestos abatement training course shall submit the following information to the Department of Health:

1. The name and address of the agency, institution or private firm which plans to conduct the training course, and the name of the responsible individual and his/her telephone number;

2. A description of course location, course schedule, including hours and projected dates, and course fees;

3. A description of the public outreach and publicity efforts which will be made to inform the appropriate potential attendees of the course availability;

4. A detailed outline of the course curriculum ***including the topics set forth in N.J.A.C. 12:120-6.6(b) through (q) and 8:60-6.6(b) through (q),*** the amount of time allotted to each topic, and the name of the instructor for each topic;

5. A description of the teaching methods to be used to present each topic, including, where appropriate, lectures, discussions, demonstrations and audio-visual materials. When applicable, include the name, producer and date of production of audio-visual materials to be used;

6. Copies of written materials to be distributed;

7. Evidence demonstrating that the applicant has employed or contracted as instructors, either on a full time or temporary basis, a sufficient number of persons (a minimum of two) to satisfy the education, experience and qualifications criteria as set forth in N.J.A.C. 12:120-6.4 and 8:60-6.4. Resumes describing special training and education and/or prior experience may be submitted to the Department of Health for the purpose of providing this evidence;

8. A list of the types, brand names and quantities of respirators to be used to demonstrate and fit test or flow test respirators;

9. A description of the type and quantity of protective clothing to be used during practice exercises and demonstrations;

10. A description of the materials to be used for hands-on practice exercises and demonstrations including hand tools, ladders, plastic sheeting and other barrier construction supplies, negative air filtration units, water spray devices and decontamination facilities;

11. A detailed description of the site of the training course including address where demonstrations and hands-on practice exercises will be conducted;

12. Any restrictions on attendance such as English language only, or other language to be used, and the degree of literacy required for admission to the training course;

13. Instructor to student ratio for the hands-on practice exercises and demonstrations;

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[14. Sample student evaluation forms as required in N.J.A.C. 12:120-6.6(q)3 and 8:60-6.6(q)3.]

(b) All materials submitted in connection with the application shall be typewritten or machine printed.

(c) The Department of Health shall be notified immediately of any significant changes in any information submitted by the applicant.

12:120-6.4 and 8:60-6.4 Eligibility for certification of training courses

(a) In order to be eligible for certification of an asbestos abatement training course, an applicant shall comply with this section and N.J.A.C. 12:120-6.3, 6.5 and 6.6 (8:60-6.3, 6.5 and 6.6).

(b) The applicant shall demonstrate to the Department of Health that it meets the criteria established for education, experience, and access to current control technologies and demonstration facilities.

(c) The applicant shall *[agree to]* use any training materials, ***evaluation forms,*** information and audiovisual aids which may be supplied by the Department of Health.

(d) The applicant shall *[agree to]* send at least one course instructor to any meetings sponsored by the Department of Health for the purpose of ensuring uniform and high quality training courses in asbestos abatement.

(e) The applicant shall *[agree to]* limit class size to not more than 25 students.

(f) The training course for asbestos workers and asbestos supervisors shall be at least five days and 30 hours long. The core course for both asbestos workers and supervisors shall be at least four days and 24 hours long. The fifth day shall be devoted to additional information or exercises as required by N.J.A.C. 12:120-6.7 and 6.8 (8:60-6.7 and 6.8) for the appropriate participants.

(g) The applicant shall *[agree to]* cooperate fully with the Department of Health in all aspects which pertain to this rule.

(h) The applicant shall *[agree to]* inform the Department of Health at least two weeks in advance of any asbestos abatement training course to be conducted by the applicant and to permit representatives of the Department of Health to attend, evaluate and monitor any asbestos abatement training courses.

12:120-6.5 and 8:60-6.5 Criteria for instructors

(a) To be eligible for certification of any training course, two or more course instructors shall be employed. A sufficient number of instructors shall be hired to ensure that all of the education and experience criteria for instructors set forth below are met:

1. An instructor shall have experience in both the design, field performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs.

2. ***[In order t] *T*o qualify to teach the sections of the course concerning the health effects of asbestos, *[one instructor shall be either a physician, a nurse, a health educator, or another] *a* qualified health professional *shall be employed*.**

3. ***[An instructor shall have] *To qualify to teach the hands-on practice sessions, an instructor shall be employed with* experience as an asbestos abatement contractor or experience as an on-site foreman or supervisor of asbestos abatement workers. This person shall have had direct experience in all phases of asbestos abatement work including work area preparation, construction of barriers, the use of personal protective equipment, engineering controls, work practices, clean-up, disposal and decontamination.**

4. An instructor shall have experience in designing, implementing and evaluating either employee educational programs in occupational health and safety or vocational education programs.

12:120-6.6 and 8:60-6.6 Criteria for topics in training courses

(a) In order to be eligible for certification of asbestos abatement training courses for workers and supervisors/contractors, the applicant shall design and conduct training which shall include at least those topics listed in (b) through (q) below.

(b) Introduction:

1. Goals of the training program;
2. New Jersey State Asbestos Policy ***—Trainees should be informed of the penalties which may be imposed for violating regulations issued to implement P.L. 1984 c.173*;**

3. History of asbestos use;
4. Magnitude of asbestos problem;

(c) Recognition of asbestos:

1. Types and physical characteristics of asbestos;
2. Asbestos products and their end uses;
3. Products where asbestos may be encountered;
4. Need for specific laboratory analysis to positively identify asbestos.

(d) Health effects of asbestos:

1. Factors affecting disease development including: properties of asbestos, how asbestos enters the body (respiratory and digestive systems, abdominal and chest cavity), concentration and duration of exposure, ***[critical]* *critical* dose,** individual susceptibility and group susceptibility;

2. Body defenses;

3. Clinical signs of asbestos exposure based upon visible changes in x-rays including plaques and asbestos bodies;

4. Asbestos-related diseases: Asbestosis, lung cancer, mesothelioma, and digestive system cancers, including definitions, and the concepts of risk, latency, symptoms and diagnoses;

5. Health risk to family members of asbestos workers;

6. Effects of smoking and smoking cessation.

(e) Purposes and methods of asbestos monitoring and testing:

1. Bulk samples;
2. Personal samples;
3. Area samples;
4. Sampling equipment demonstration: pumps, filters, calibration;

5. Interpretation of analytical results;

6. Current standards and proposed changes;

7. OSHA regulations governing access to employee exposure and medical records.

(f) Case Studies: Typical problems and corrective measures:

1. Discussion of students' ***previous* experiences *with asbestos abatement operations*;**

2. Presentation by course instructor(s) ***of problems which have actually occurred during asbestos abatement operations and how these problems have been resolved*;**

(g) Introduction to ***[control methods]* *remediation methods, removal, encapsulation and enclosure and to the principles of control which shall be applied to all asbestos application and remediation projects*;**

1. Protection of the worker;

2. Preparation of the workplace;

3. Minimize fiber release and work practices to minimize exposures;

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- 4. Clean-up and disposal;
- 5. Decontamination:
 - (h) Protection of the worker:
 - 1. Protective clothing: disposable and non-disposable; purpose; requirements; options; who must wear; donning, removal, storage, handling and disposal; and types such as suits, booties, hoods, footwear, gloves, eye protection and hard hats;
 - 2. Respiratory protection: purpose; types of respirators; characteristics and limitations; choosing respirators; factors affecting fit (facial hair); fit testing; methods for field testing; donning and removal; protection factors; inspection; cleaning; adjusting; use; storage; repair and replacement of parts;
 - 3. Type "C" supplied air respirators, continuous flow or pressure demand class:
 - i. Description of physical characteristics; purpose; limitations; components of the respirator, including the compressed air cylinders, and quality specifications for compressed air, low air alarm, pressure regulator, manifold, lines or hoses, belt-mounted regulator, breathing hose and facepiece;
 - ii. A demonstration and practice exercises in donning, using, flow testing and adjusting these respirators.
 - 4. Powered Air-Purifying Respirators (PAPR):
 - i. Description of physical characteristics; purpose; limitations; components of the respirator, including filters, battery, breathing hose and facepiece;
 - ii. A demonstration and practice exercises in donning, using, flow testing and adjusting these respirators.
 - 5. Air-Purifying Respirators:
 - i. Description of physical characteristics; purpose; limitations; components of the respirator, including full/half facepiece, filters and cartridges;
 - ii. A demonstration and practice exercises in donning, using, fit testing and adjusting these respirators.
 - 6. Occupational Safety and Health Administration regulations—29 CFR Part 1910.134—Respiratory Protection;
 - 7. Demonstration exercises of the above respirators, including fit testing or flow testing, wearing, adjusting, filter replacing and cleaning procedures. Each participant shall have individual, supervised personal practice using these procedures with at least one of the types of respirators listed in 3, 4 or 5 above.
 - (i) Preparation of the work area ***(hands-on practice required)***:
 - 1. Occupants;
 - 2. Furniture and equipment—clean and **[either remove or cover]** ***remove movable furniture and equipment and cover and seal unremovable equipment such as ductwork;***
 - 3. Ventilation and electric systems;
 - 4. Flooring;
 - 5. Enclosures: Plastic sheeting for horizontal surfaces;
 - 6. Change area;
 - 7. Signs.
 - (j) Minimizing fibers in the air ***while disturbing and removing asbestos insulation: (hands-on practice required)***:
 - 1. Containment;
 - 2. Wetting ***and scraping***;
 - 3. Vacuum Cleaners equipped with High Efficiency Particulate Absolute (HEPA) Filters;
 - 4. Specialized tools;
 - 5. **[Good housekeeping.]** ***Promptly bagging asbestos debris, other housekeeping features.***
 - (k) Special work practices to minimize exposure and health hazards.
 - (l) Personal hygiene.

- (m) Proper clean-up and disposal ***(hands-on practice required)***:
 - 1. Clean-up including techniques and sequence of activities;
 - 2. Disposal including bagging, drumming, storage and transport.
 - (n) Decontamination ***(hands-on practice required)***:
 - 1. Decontamination areas: clean room, shower room and equipment room;
 - 2. Direction of air flow;
 - 3. Sequential steps.
 - (o) General safety considerations:
 - 1. Heat stress;
 - *2. Fire safety;***
 - *3. Emergency procedures to follow in the event of fire and medical emergencies and the failure of containment barriers;***
 - *[2.]* *4.*** Gas engines;
 - *[3.]* *5.*** Slips and falls;
 - *[4.]* *6.*** Scaffolding;
 - *[5.]* *7.*** Electrical hazards;
 - *[6.]* *8.*** Material handlings.
 - (p) Work practice demonstration:
 - 1. ***Trainees shall participate in simulated* * [Simulated]* on-the-job activities *[:]* ***in the following subjects: suiting up in disposable full body clothing; preparation of the work site; sealing off the work area; construction of a decontamination unit; various abatement techniques to include removal of asbestos; clean-up methods; material handling and disposal. Each trainee shall wear a respirator during these activities. This respirator shall be one of those specified in N.J.A.C. 12:120-6.6(h) 3, 4 or 5 (8:60-6.6(h) 3, 4 or 5).*****
 - 2. ***Trainees shall demonstrate* * [Demonstrate]* knowledge acquired from entire course through discussion and demonstrations.**
 - (q) Review and course evaluation:
 - 1. Review;
 - 2. Practice tests (optional);
 - 3. Evaluation of course by participants.
- 12:120-6.7 and 8:60-6.7 Additional criteria for supervisor's training course
- (a) The specialized course for asbestos abatement supervisors/contractors shall address the following issues:
 - 1. Legal responsibilities and potential liabilities of various parties including, but not limited to, contractors, licensees, employers, employees, building owners and suppliers;
 - 2. Insurance and bonding;
 - 3. Establishing a medical surveillance program;
 - 4. United States Environmental Protection Agency and United States Department of Labor Occupational Safety and Health Administration recordkeeping requirements;
 - 5. How to supervise effectively;
 - 6. Additional emphasis on work practices, including purpose, proper construction and maintenance of barriers and decontamination systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, use and maintenance of HEPA vacuums, proper clean-up and disposal procedures.
- 12:120-6.8 and 8:60-6.8 Additional criteria for asbestos workers' training course
- (a) The course for asbestos workers shall provide each applicant with sufficient opportunities for practice exercises to

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thoroughly demonstrate to the training agency's satisfaction that the asbestos worker can:

1. Properly perform all aspects of asbestos work;
2. Prevent unnecessary asbestos exposures to other citizens by properly constructing and maintaining temporary plastic barriers, by using protective, disposable clothing, and by using proper decontamination, work area clean-up and waste disposal techniques. At least 4 hours per applicant shall be devoted to these practice exercises. ***Each trainee shall wear a respirator during these activities. This respirator shall be one of those specified in N.J.A.C. 12:120-6.6(h) 3, 4 or 5 (8:60-6.6(h) 3, 4 or 5).***

12:120-6.9 and 8:60-6.9 Granting of certification

(a) Two types of certification shall be granted: provisional and complete certification.

1. Provisional certification shall be granted to a training agency, institution or private firm which has submitted materials concerning course content, teaching methods and instructors qualifications which meet the requirements of this subchapter (N.J.A.C. 12:120-6 and 8:60-6). Provisional certification shall expire within six months unless it has been converted to complete certification.

2. Complete certification shall be granted after the Department of Health has granted provisional certification, has conducted a thorough observation and evaluation of a training course in progress, and has determined that the applicant's asbestos abatement training course meets the requirements of this subchapter (N.J.A.C. 12:120-6 and 8:60-6). Complete certification shall not have an expiration date, but shall be good until further notice, unless suspended or revoked.

(b) A letter of certification shall be granted to a training agency, institution or private firm which complies with N.J.A.C. 12:120-6.3 and 6.4 (8:60-6.3 and 6.4).

(c) A letter of certification shall:

1. Contain the date of issuance;
2. Contain an expiration date of a provisional certification;
3. Contain the name and address of the training agency, institution, or private firm;
4. State whether the certification is provisional or complete;
5. Contain the signature of the Commissioner of Health ***or his designated agent*.**

12:120-6.10 and 8:60-6.10 Suspension or revocation of certification

(a) Any agency, institution or private firm may have its certification suspended or revoked for:

1. Incompetence, or
2. Failure to adequately present either the topics set forth in this subchapter or any other materials required by the Department of Health, or
3. Submitting false information on an application, or
4. Failure to comply with the rules promulgated under the act, or
5. Any good cause within the meaning and purpose of the law.

12:120-6.11 and 8:60-6.11 Hearings for applicants whose application for certification has been denied or whose certification has been revoked or suspended

***(a) When the Commissioner of Health proposes to revoke or suspend a certification, or denies an application for certification, the applicant shall have the right to an informal hearing under (b) below or a formal hearing under (c) below or both.**

(b) An informal hearing before the Commissioner of Health may be held provided a written request is submitted within ten days after the notice has been given that the Commissioner of Health proposes to revoke or suspend certification or proposes to deny an application for certification. When the hearing is held before the Commissioner of Health, he shall state his findings and conclusions in writing and transmit a copy to the applicant for certification.

(c) The applicant shall have the right to a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.*

[12:120-6.11 and 8:60-6.11]

12:120-6.12 and 8:60-6.12 Examination of applicants

(a) Each applicant for a permit under N.J.A.C. ***12:120-5*** ***[12:120-5.5(a)]*** and ***8:60-5*** ***[8:60-5.5(a)]*** shall successfully pass an examination in asbestos work and control. This examination shall be conducted by the Department of Health under procedures in N.J.A.C. ***12:120-5.3*** ***[12:120-5.4]*** and ***8:60-5.3*** ***[8:60-5.4]***.

(b) The examination shall include questions on the topics presented in N.J.A.C. 12:120-6.6 and 8:60-6.6.

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(a)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Product Information Filing: Brand Registration

Readoption with Amendments: N.J.A.C. 13:2-33

Proposed: April 1, 1985 at 17 N.J.R. 794(a).

Adopted: May 6, 1985 by John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control.

Filed: May 8, 1985 as R.1985 d.279, **without change.**

Authority: N.J.S.A. 33:1-2, 1-3, 1-10, 1-11, 1-12, 1-23, 1-39, 1-43, 1-79 and 1-88.

Effective Date: For Readoption, May 8, 1985; For Amendments, June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): May 8, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption with adopted amendments follows.

SUBCHAPTER 33. PRODUCT INFORMATION FILING: BRAND REGISTRATION

13:2-33.1 Brand registration schedule

(a) No licensee shall knowingly sell, offer for sale, deliver, receive or purchase, for resale in New Jersey, any alcoholic

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beverage, including private label brands owned by a retailer and exclusive brands owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer or affiliated retailers, unless there is first filed with the Director of the Division of Alcoholic Beverage Control a schedule, for each separate alcoholic beverage product, listing the following:

1. The full and correct brand or trade name;
2. Its nature and type;
3. Its age or vintage and proof or percentage of alcoholic content when stated on the label;
4. The sizes of standard packaging and the standard number of unit containers per standard case;
5. The date of label approval granted by the Federal Bureau of Alcohol, Tobacco and Firearms (B.A.T.F.), together with a copy of the B.A.T.F. Form 1649;
6. The names and license numbers of each New Jersey Class B licensee designated by the filer to be an authorized distributor of the product at wholesale;
7. The full name, address, telephone number, taxpayer identification number and New Jersey license number (if any) of the filer; and
8. An indication whether the schedule is an original filing or an amendment to any existing one.

(b) The brand registration schedule shall be filed by:

1. The manufacturer, importer or wholesaler who owns the brand or trade name and label; or
2. An importer or a wholesaler selling such brand who is appointed as authorized agent by the brand owner for the purpose of filing the brand registration schedule; or
3. In the case of private label brands, by the manufacturer or wholesaler supplying such private label brand to the retailer or by any wholesaler having authority, in writing, from the retailer or affiliated retailers owning such private label brand, except where the alcoholic beverages are imported by the retailer under a special permit issued by the director, in which case the retailer shall file the schedule and the labels.

(c) Whenever any change occurs, including but not limited to the addition or deletion of an authorized wholesaler, the filer of the brand registration schedule shall file an amended brand registration schedule within ten days after the occurrence of such change.

13:2-33.2 Filing fees and forms

(a) Each filing of an original brand registration schedule shall be accompanied by a non-refundable fee of \$10.00, and each filing of an amendment to a previously filed brand registration schedule shall be accompanied by a non-refundable fee of \$7.00. Such fees shall be payable to the Division of Alcoholic Beverage Control.

(b) All filings shall be made on a form which the director shall provide for the filing of brand registration schedules. Filers, however, may utilize a photocopy of the form.

(a)

BOARD OF ACCOUNTANCY

General Rules and Regulations

Adopted New Rules: N.J.A.C. 13:29-1.1 through 1.6 and 1.8 through 1.12

Proposed: March 4, 1985 at 17 N.J.R. 557(a).

Adopted: April 18, 1985 by State Board of Accountancy, Paul M. Kurisko, President.

Filed: May 13, 1985 as R.1985 d.287, **without change.**

Authority: N.J.S.A. 45:2B-6(g) and 45:2B-17.

Effective Date: June 3, 1985

Expiration Date pursuant to Executive Order No. 66(1978): June 3, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

SUBCHAPTER 1. GENERAL RULES AND REGULATIONS

13:29-1.1 Establishing name of Board

The Board shall be known as the New Jersey State Board of Accountancy, and shall maintain an office in the State of New Jersey for the regular transaction of its business.

13:29-1.2 Meetings

(a) The Board shall hold an annual meeting, in each year, in the month of April for the purpose of electing officers, from among its members, each for the term of one year, or until a qualified successor has been duly elected.

(b) Regular monthly meetings will be held in accordance with a published schedule of meetings. Special meetings may be held at the request of any Board member.

13:29-1.3 Applications; applicant qualifications

(a) Application forms for original examination, reexamination and for a certificate by endorsement will be furnished by the Board upon request.

(b) Applications for examination shall be received by the office of the Executive Secretary of the Board on or before March 1 for the May examinations, and on or before September 1 for the November examinations. Applications will not be accepted if received later than the above dates.

(c) Every applicant who becomes eligible to sit for the examinations, or has met the requirements for a certificate, and is eligible to receive a certificate, shall be a bona fide resident of the State of New Jersey, or shall maintain an office for the practice of public accounting in the State of New Jersey, or shall be in the employ of a Certified Public Accountant, or firm of Certified Public Accountants, having an established office and performing services within the State of New Jersey. Such eligibility shall continue until the certificate is issued. For purposes of eligibility, a mailing address or telephone number is not sufficient to show that an office is maintained for the practice of public accounting.

(d) Applicants shall appear upon request before the Board or any Committee appointed by the Board for the purpose of determining qualifications for licensure.

(e) Any applicant who is reexamined in any subject shall qualify under the rules in effect at the time the supplemental application is filed.

13:29-1.4 (Reserved)

13:29-1.5 Filing constitutes agreement

The act of filing an application for examination, or a certificate by endorsement, shall constitute an agreement on the part of the applicant that he will observe and conform to the requirements of this chapter.

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13:29-1.6 Applications for original examination

(a) Applications for original examination shall be accompanied by the following items:

1. Photograph, two-inch by two-inch in size, bust picture, front view, without a hat, taken within 30 days prior to filing an application;

2. An Academic Qualifying Certificate from the New Jersey Department of Higher Education, Trenton, New Jersey certifying that applicant possesses a baccalaureate degree, or its equivalent, based upon a curriculum which shall include:

i. A minimum of 60 semester hours selected from courses in English, history, foreign languages, mathematics, general psychology, philosophy, biological sciences, physical sciences, economics, sociology, religion, government, political science, geography, fine arts and music; and

ii. A minimum of 60 semester hours in professional courses including: at least 24 semester hours in accounting including municipal and government accounting; at least six semester hours in business law, at least six semester hours in finance, at least six semester hours in economics; and at least 18 semester hours in related business subjects.

(b) An applicant for examination for the Certified Public Accountant's certificate who meets the requirements of (a) above to the Board's satisfaction shall be granted admission to sit for the examination in theory of accounts, accounting practice, commercial law and auditing.

(c) An applicant who has passed all parts of the examination shall furnish evidence of two years' diversified experience in public accounting in the office of a Certified Public Accountant, or firm of which one member is a Certified Public Accountant. Experience shall be obtained in full-time regular employment based on a seven-hour day and a five-day work week. Such evidence shall take the form of a notarized affidavit on the employer's letterhead indicating in detail the nature of the two-year diversified experience in public accounting.

(d) In lieu of the two years' experience required in (c) above, the Board may accept four years' or more experience obtained as an Internal Revenue agent employed in the Field Division of the Internal Revenue Service, in a classification grade level acceptable to the Board. Any part of a period of two years' experience obtained in the employment of a Certified Public Accountant, may be considered as part of the four years' experience with the Internal Revenue Service.

(e) In lieu of the two years' experience required in (c) above, the Board may accept four years' or more experience obtained in the office of a Public Accountant or firm, of which one member is a Public Accountant.

(f) In lieu of the two years' experience required in (c) above, the Board may accept four years' or more accounting experience obtained in the employment of some state or any political subdivision of the United States.

(g) The Board may accept service in the Armed Forces of the United States for experience credit on the basis of one month's credit for each six month's service, with a maximum credit of eight months.

(h) The Board may, in its discretion, evaluate any and all accounting and auditing experience obtained by any applicant and give appropriate credit for said experience toward the two years' experience required in this section.

13:29-1.17 Application for reexamination (No change in text.)

13:29-1.8 Applications for certificate by endorsement

(a) Applications for a certificate by endorsement shall be accompanied by the following items:

1. The fee of \$100.00;
2. The requirements listed in N.J.A.C. 13:29-1.3 (Applications; applicant qualifications) and 13:29-1.6 (Applications for Original Examination);
3. Written verification from the authority issuing the original certificate that it is valid and in good standing, setting forth the full name, number and date of certificate issuance.

13:29-1.9 Chartered accountant

A chartered accountant may sit for the State of New Jersey examinations, and if he passes, the Board may, in its discretion, accept chartered accounting experience. A certificate by endorsement shall not be issued to a chartered accountant.

13:29-1.10 Examinations

(a) Examinations will be held on three consecutive days, in May and November of each year, at a place designated by the Board.

(b) After the application has been approved, an admission card shall be mailed to the applicant which must be used for admittance to the examination room. The card shall be kept in the possession of the applicant during the examinations and handed to a proctor at the conclusion of the applicant's examinations.

(c) Examinations shall be in writing, but this shall not bar additional examinations of such other nature as the Board may deem necessary.

(d) Examination papers are the property of the Board and shall be left with the proctors.

(e) Examination papers shall remain in the office of the Executive Secretary for a period of six months after each examination. During the six months an applicant may arrange to review his examination papers.

(f) Applicants for examination shall be given a number for identification purposes and only this number shall be used on all papers.

(g) Examinations are prepared by the Board of Examiners of the American Institute of Certified Public Accountants known as the Uniform Certified Public Accountants Examinations. The advisory grading service provided by the American Institute of Certified Public Accountants shall be utilized and, to pass the examination, a candidate shall receive 75 points in each subject.

(h) The New Jersey State Board of Accountancy shall grant credit for subjects which have been passed in another state which utilizes the American Institute of Certified Public Accountants Examination and which utilizes educational and experiential criteria comparable to that of the State of New Jersey.

13:29-1.11 Successful applicants

(a) Applicants who satisfy the requirements of this subchapter shall be issued a certified public accountant's certificate upon the payment of a fee of \$6.00.

(b) Every successful applicant shall comply with the Rules of Professional Conduct, N.J.A.C. 13:29-3.

(c) A Certified Public Accountant shall renew his license for a period of two years from the last expiration date. A Certified Public Accountant who fails to timely renew his certificate shall have it declared forfeited. When the Certificate holder seeks to renew a certificate which has been declared forfeited the Board may reinstate his certificate provided he pay the fee for the current registration period in addition to a reinstatement fee set by the Board.

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13:29-1.12 Public School Accountant's license

The holder of a certificate as a Certified Public Accountant or registered municipal accountant shall be granted a Public School Accountant's license upon application to the Board, and the payment of a \$5.00 fee for a period of one year.

13:29-1.13 Fees

(No change in text.)

(a)

BOARD OF ACCOUNTANCY

Registered Municipal Accountants

Adopted New Rules: N.J.A.C. 13:29-2.1, 2.2 and 2.3

Proposed: March 4, 1985 at 17 N.J.R. 559(a).

Adopted: April 18, 1985 by State Board of Accountancy, Paul M. Kurisko, President.

Filed: May 13, 1985 as R.1985 d.286, **without change**.

Authority: N.J.S.A. 45:2B-33, 34 and 35.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): June 3, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

SUBCHAPTER 2. REGISTERED MUNICIPAL ACCOUNTANTS

13:29-2.1 Applications; requirements

(a) Every applicant for a license as a registered municipal accountant shall submit to the Board a written application on a form provided by the Board, a photograph (two-inch by two-inch in size, bust picture, front view, without a hat, taken within 30 days prior to application) and satisfactory proof of the following:

1. Good moral character, evidenced by affidavits from three persons;

2. Bona fide residence in the State, maintenance of an office for the practice of public accounting in the State, or employment in the State by a Registered Municipal Accountant, Public School Accountant, Certified Public Accountant or a firm of Certified Public Accountants, having an established office and performing services within the State;

3. Baccalaureate degree or its equivalent as determined by the New Jersey Department of Higher Education including 60 semester hours in liberal arts and 60 semester hours in professional courses as follows:

- i. At least 24 semester hours credit in accounting;
- ii. At least six semester hours credit in business law;
- iii. At least six semester hours credit in finance;
- iv. At least six semester hours credit in economics;
- v. At least 18 semester hours in business electives;

4. Two years' experience in municipal accounting and auditing acceptable to the Board with a public accounting firm engaged in New Jersey municipal accounting and auditing, as evidenced by employer affidavit(s).

(b) In lieu of the experience requirements of (a) above the Board may accept proof of licensure as a Certified Public Accountant in New Jersey.

(c) In lieu of the experience requirements of (a) above the Board may in its discretion consider the experience of an applicant who has had two years' experience in accounting and auditing as an employee of the Division of Local Government of the State of New Jersey.

(d) Any applicant being reexamined shall be qualified under the provisions of this chapter in effect at the time his or her supplemental application is filed.

13:29-2.2 Examinations

(a) Examinations shall be held in November of each year, at a place designated by the Board. Applications shall be filed by September 1 for the November examination.

(b) After the application has been approved, an admission card shall be mailed to the applicant which shall be used for admittance to the examination room. This card shall be kept in the possession of the applicant during the examinations and handed to a proctor at the conclusion of the examination.

(c) Examinations shall be in writing, but this shall not bar additional examinations of such other nature as the Board may deem necessary.

(d) Examination papers are the property of the Board and shall be left with the proctors.

(e) Examination papers shall remain in the office of the Executive Secretary for a period of six months after each examination, and during the six months, any applicant may make arrangement to review the examination papers.

(f) Applicants for examination shall be given a number for identification purposes and only this number shall be used on all papers.

(g) Examinations shall include questions on the following:

- i. Theory of municipal and public school accounting and problems in municipal and public school accounting;
- ii. Municipal and public school law and finance;
- iii. Auditing;
- iv. Any additional related subjects as determined by the Board.

(h) Applicants shall attain a grade of 75 percent in order to pass the examination.

13:29-2.3 Licenses

(a) When the holder of a Registered Municipal Accountant's license seeks to renew a license which has expired, the Board may reinstate his license, provided he pays the fee for the current registration period in addition to a reinstatement fee set by the Board.

(b) Applicants who have complied with all of the provisions in this subchapter and passed the examination shall comply with the Rules of Professional Conduct promulgated by the New Jersey State Board of Accountancy.

(b)

BOARD OF NURSING

Programs in Nursing Education

Adopted Repeals: N.J.A.C. 13:37-1.1 through 1.20, and 1.22

Adopted New Rules: N.J.A.C. 13:37-1.1 and 1.2

ADOPTIONS

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Proposed: January 7, 1985 at 17 N.J.R. 51(a).
 Adopted: March 19, 1985 by Kathleen M. Dirschel, R.N., Ph.D., President, New Jersey State Board of Nursing.

Filed: May 13, 1985 as R.1985 d.285, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 45:11-33, 45:11-24(d)(12)(13)(14) and (19).

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): June 3, 1990.

Summary of Public Comments and Agency Responses:

On March 19, 1985 Kathleen M. Dirschel, R.N., Ph.D., President, of the New Jersey State Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to the authority of N.J.S.A. 45:11-33, 11-24(d), (12), (13), (14) and (19), and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules N.J.A.C. 13:37-1.1 and N.J.A.C. 13:37-1.2 and repealed the current text of N.J.A.C. 13:37-1.1 through 13:37-1.20 and 13:37-1.22 concerning programs in Nursing Education, with technical changes not requiring additional public notice and comment as set forth herein. The proposed repeal of N.J.A.C. 13:37-1.21, 1.23, 1.24, 1.25 is not adopted but will be the subject of a future proposal. The repealed text of N.J.A.C. 13:37-1.18 and 1.19 has been recodified at N.J.A.C. 13:37-1.2(g)2. A minor wording addition has been made to N.J.A.C. 13:37-1.1(a)(2) to clarify the meaning of the phrase, "evidence of need for the proposed program." A minor wording change has been made to N.J.A.C. 13:37-1.2(b)(3) to clarify the definition of a "Diploma Nursing Program." A minor wording addition has been made to N.J.A.C. 13:37-1.2(g)(1)(ii) to clarify the meaning of a "Masters Degree Program in Nursing." A minor wording addition has been made to N.J.A.C. 13:37-1.2(g)(2) to clarify the requirement of faculty record submissions to the Board. Finally, minor wording additions have been made to N.J.A.C. 13:37-1.2(h)4, (j)3, (k)1, (l)2i, and (p)2 to clarify the meaning of these requirements.

The Board of Nursing received several letters of comment concerning the proposed new rules. The letters and agency responses are summarized herein.

The President of the New Jersey Hospital Association noted dissatisfaction that the Board did not submit the proposal to the Associations prior to publication. The Board responded that it fulfilled its duty to consult with the Hospital Association and Medical Society by mailing a copy of the approved draft of the proposal to the Associations before submitting it for publication on December 5, 1984. The proposal was not published until January 7, 1985 therefore the Associations had ample time to submit comments and in fact submitted their substantial comments to the Board of Nursing before the proposal was adopted.

The President of the New Jersey State Nurses Association complimented the Board on a well-developed document. The President of the New Jersey State Nurses Association and the President of the Association of Diploma Schools of Professional Nursing asked for clarification on the meaning of the phrase "maintenance of up-to-date professional competence . . . including participation in on-going clinical practice."

The Board responded that participation in on-going clinical practice is one of a number of ways a faculty member can maintain up-to-date professional competence. Professional competence will be determined on the basis of all the up-to-date credentials submitted (N.J.A.C. 13:37-1.2(g)1iv).

The New Jersey State Nurses Association asked for clarification on the frequency of survey visits to be conducted (N.J.A.C. 13:37-1.2(o)). The Board responded that regular survey visits will be conducted every four years and only more often, where necessary.

The New Jersey Nurses Association suggested that nursing schools be required to have a written policy for impaired nursing students. (An impaired nurse is one suffering from drug or alcohol abuse. N.J.A.C. 13:37-1.2(q)). The Board responded that such a policy falls within the category of health counseling and guidance services.

The New Jersey State Nurses Association, the Association of Diploma Schools of Professional Nursing, the Director of the Mercer Medical Center School of Nursing, the Director of the Mountainside Hospital School of Nursing, the President of the New Jersey Medical Society and the President of the New Jersey Hospital Association all questioned the need for a listing of the specific areas of study contained in the curriculum. The Board responded that the listing is not a new requirement. The Board determined that the requirement is both necessary and desirable. It is not intended to mandate specific courses but to list main areas of study to be applied as integrated concepts. See (N.J.A.C. 13:37-1.2).

The New Jersey Hospital Association and the New Jersey Medical Society and Mountainside Hospital School of Nursing expressed concern about the requirement that nursing faculty and administrators possess a Masters Degree in Nursing (N.J.A.C. 13:37-1.2(f)(g)). The Board responded that this is not a new requirement. The Board determined that the requirement is both desirable and necessary to insure that nursing faculty and administrators have advanced educational preparation in the discipline taught.

The Association of Diploma Schools of Professional Nursing, the New Jersey Hospital Association, the New Jersey Medical Society, and Our Lady of Lourdes School of Nursing requested a minor wording change in the definition of Diploma Nursing Programs (N.J.A.C. 13:37-1.2(b)3).

The Director of the Mercer Medical Center School of Nursing requested a minor wording change in the definition of Associate Degree Nursing Programs (N.J.A.C. 13:37-1.2(b)3). The Board has made the appropriate requested language changes.

The President of the Mercer County Community College expressed dissatisfaction with the 1 to 10 student faculty ratio requirement in the clinical setting. The Board responded that this requirement is both desirable and necessary to insure that there is adequate supervision over nursing students and also to insure that minimum standards of educational judgment are maintained (N.J.A.C. 13:37-1.2(g)4).

The Director of Englewood Hospital School of Nursing, the Assistant Director of the Bergen Pines County Hospital School of Nursing, the Director of the Mountainside Hospital School of Nursing, the Dean of Our Lady of Lourdes School of Nursing, the Administrator of the Winifred B. Baldwin School of Nursing, the Director of the Mercer Medical Center School of Nursing and the President of the Association of Diploma Schools of Professional Nursing requested a public hearing in order to have certain sections of the proposal clarified. In response to these requests, the Board held an open public forum on March 15, 1985. Ample notice of the

open meeting was given to all interested parties. The Board entertained questions and comments from the audience about the proposal. The meeting was reported by a certified short-hand reporter. In essential part, the testimony simply clarified the questions and comments which had been brought to the Board's attention in the written comments summarized herein.

Full text of the adopted repeal appears in the New Jersey Administrative Code at N.J.A.C. 13:37-1.1 through 1.20, and 1.22.

Full text of the adoption follows (additions to the proposal shown in boldface with asterisks ***thus***; deletions from the proposal shown in brackets with asterisks ***[thus]***).

SUBCHAPTER 1. ***[SCHOOLS OF PROFESSIONAL NURSING]* *PROGRAMS IN NURSING EDUCATION***

13:37-1.1 Application for initiating and developing a program in nursing

(a) An institution seeking to initiate and develop a program in nursing shall submit to the Board of Nursing the following items¹**[:] *in writing***:

1. A statement of the philosophy and objectives of the proposed program;
2. ***[Documented e]**E*vidence** of the need for the proposed program;
3. Evidence of financial resources adequate for the planning, implementation and continuation of the proposed program including a projected budget for a five year period;
4. Organizational chart describing the administrative structure of the proposed program and its relationship to the sponsoring institution;

5. The names and curricula vitae of all nurse educators and consultants responsible for developing the proposed program.

(b) These materials shall be submitted to the Board no later than October 1 of any year for a program anticipated to begin in September of the following year.

(c) After reviewing these materials the Board shall:

1. Grant permission to develop the proposed program with the stipulation that this permission does not insure that provisional accreditation will be granted;
2. Recommend revision of the proposed program or submission of further information;
3. Deny permission to develop the proposed program. The institution shall be given the opportunity for a hearing before the Board to appeal this decision.

(d) After receiving permission to develop the proposed program, the institution shall submit to the Board no later than five full calendar months prior to the month anticipated for the start of the program the following items:

1. Updated statement of the philosophy and objectives of the program as contained in (a) above;
2. Updated evidence of financial resources as contained in (a) above;
3. Updated organizational chart as contained in (a) above;
4. Information on the student population, including number of students to be admitted to each of its first four classes, maximum size of the student population, timetable for attained maximum population size, admission policies, sources of recruitment of students and student services;
5. Information on the faculty and staff including number of faculty to be employed, dates of appointment of initial faculty members, and subsequent schedules of increases in faculty as needed and plans for faculty recruitment;
6. Evidence of compliance with all the requirements of

N.J.A.C. 13:37-1.2 (Criteria for accreditation).

13:37-1.2 Criteria for accreditation

(a) The following educational entities shall be considered eligible for accreditation:

1. A school, division or department of nursing authorized to operate by its own charter, articles of incorporation or resolution of the governing board of its sponsoring institution.

2. Degree granting institutions shall be approved and licensed by the New Jersey State Department of Higher Education and accredited by the appropriate academic accrediting agencies.

(b) The following educational programs shall be considered eligible for accreditation:

1. Baccalaureate Degree Program: Programs leading to a baccalaureate degree in nursing accredited by the New Jersey State Board of Nursing conducted by an educational unit in nursing as an integral part of a higher educational institution licensed by the New Jersey State Department of Higher Education for the purpose of granting baccalaureate degrees. Baccalaureate degree programs shall include both generic and upper division curricula.

2. Associate Degree Program: Programs leading to an associate degree ***[in nursing,]* *with a major in nursing*** accredited by the New Jersey State Board of Nursing, conducted by an educational unit in nursing as an integral part of a higher educational institution, licensed by the New Jersey State Department of Higher Education for the purpose of granting associate degrees.

3. Diploma Program: Programs leading to a diploma in nursing, (and, for a cooperative program, an ***[Associate Degree in Applied Science]* *Associate in Applied Science degree or Associate in Science degree***) accredited by the New Jersey State Board of Nursing, conducted by an educational unit in nursing under the sponsorship of a hospital or consortium of hospitals in the State of New Jersey.

4. Practical Nursing Program: Within the meaning of N.J.S.A. 45:11-27(a)(4), programs ***leading to a diploma*** conducted for the purpose of giving basic required education in practical nursing accredited by the New Jersey State Board of Nursing. A program in practical nursing operated by the public school district or Board of Education and certified by the New Jersey State Department of Education, offering a course of study in practical nursing shall show evidence of its compliance with the requirements of the New Jersey State Board of Nursing and shall include clinical experience within cooperating clinical affiliates approved by the Board of Nursing.

(c) Accreditation shall be granted as follows:

1. Full accreditation shall be granted to any eligible program meeting all the standards and requirements of this subchapter. A certificate of full accreditation shall be issued in accordance with N.J.S.A. 45:11-34.

2. Conditional accreditation shall be given to any accredited program which subsequently fails to meet and maintain the standards and requirements for accreditation contained in this subchapter. The Board may limit the number of students enrolled in such a program. The institution shall be given the opportunity for a hearing to appeal this decision.

i. A program shall be placed on conditional accreditation if less than 75 percent of its graduates achieve passing grades in the licensing examination for a period of two consecutive years. The program shall be sent written notification of conditional accreditation by the Board.

ii. A program shall be placed on conditional accreditation if it fails to comply with any of the standards and require-

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ments of the Board contained in this subchapter. The program shall be sent written notification of conditional accreditation by the Board including the conditions which must be corrected within a specific time period set by the Board.

iii. Removal from conditional accreditation may be granted if it can be demonstrated that the standards and requirements contained in this subchapter have been met.

3. Provisional accreditation shall be granted to a new program that meets the standards and requirements for accreditation until the licensing examination results of the first graduating class are received and evaluated by the Board.

4. A program which fails to correct deficiencies to the Board's satisfaction, within the time limit set by the Board, shall be placed on probation. The program shall be unable to accept new or transfer students into the program. The institution shall be given the opportunity for a hearing to appeal this decision.

i. Nursing programs will be given two years, but under no circumstances more than three years, to revise or improve the nursing curriculum to upgrade the quality of nursing students graduating. Failure to achieve satisfactory results in subsequent licensing examinations may indicate a need for further Board action, including possible loss of accreditation.

5. A program which does not meet the standards and requirements of this subchapter shall have its accreditation withdrawn. The institution shall be given the opportunity for a hearing to appeal this decision.

Note: Any change in the accreditation status as described in (c) 1, 2, 3 and 4 above of a program in nursing shall not affect the eligibility of students currently enrolled in the program to sit for the licensing examination.

(d) Plans of organization and administration shall be subject to the following:

1. The institution shall have an effective plan of organization and administration appropriate to the purpose and implementation of the program in nursing. There shall be a written organizational plan describing the internal organization of the program, lines of authority, procedures for providing communication with the governing body and clinical affiliates and the role of any advisory committee associated with the program.

2. The program shall be assured of stable, financial resources adequate for and effectively allocated to support its educational activities. There shall be a budget prepared in accordance with sound educational and financial practices. The financial statement shall give a clear picture of the status of the program.

3. There shall be a qualified administrator of the nursing program who shall have direct authority and responsibility for administering the program. The administrator shall be responsible to the governing body of the sponsoring institution.

(e) The philosophy, purposes and objectives of the program shall be:

1. Clearly defined in a written statement;
2. Formulated and accepted by the faculty of the program and ratified by the governing body of the sponsoring institution;
3. The basis for planning, implementing and evaluating the total program;
4. Consistent with N.J.S.A. 45:11-23 (Definition of Nursing) and professional, educational and ethical standards of nursing.

(f) Administrator qualifications follow:

1. Administrator of Registered Nursing Programs (Baccalaureate): In addition to the qualifications contained in (g)1

below, the administrator shall hold a masters degree with a major in nursing and an earned doctoral degree.

2. Administrator of Registered Nursing Programs (Associate Degree and Diploma): In addition to the qualifications contained in (g)1 below, the administrator shall hold a minimum of a masters degree with a major in nursing.

3. Administrator of Licensed Practical Nursing Programs: In addition to the qualifications contained in (g)1.i, iii, iv and v below, the administrator shall hold a minimum of a bachelors degree in nursing with additional courses in education.

(g) Faculty qualifications follow:

1. The program shall provide and maintain a qualified faculty. For purposes of this subsection, faculty shall include persons from out-of-state nursing programs who are responsible for teaching students in a clinical affiliate located in New Jersey. The qualifications for all faculty members shall include:

i. Current registration in New Jersey as a professional nurse;

ii. Graduation from accredited Masters Degree Program ***[in nursing;] *with a major in nursing;***

iii. Academic and professional qualifications appropriate to the specific area of responsibility of the appointed position. For purposes of this subchapter, all degrees shall be earned at accredited schools of nursing;

iv. Maintenance of up-to-date professional competence (that is, participation in on-going clinical practice, continuing education, professional conferences, workshops, seminars, advanced academic courses, research projects and writing);

v. Compliance with all academic and professional qualifications for appointment required by the sponsoring institution.

2. ***[Faculty in Registered Nursing Programs: In addition to the qualifications contained in (g)1 above, all faculty members shall hold a masters degree with a major in nursing.]***
Each newly appointed faculty member shall file a record of professional preparation and experience with the Board. Said record shall include the application, job description, terms of employment and advancement and activity, including preparation and participation in professional organizations, research and writing.

NOTE: Only those faculty members who began their employment on or before September 1, 1981 may qualify for an exemption from this requirement in accordance with previous Board policy.

3. Faculty in Licensed Practical Nursing Programs: In addition to the qualifications contained in subsection (g)1, i, iii, iv and v above, all instructors shall hold a bachelors degree with a major in nursing. Instructors in any school operated by a public board of education in any local or county school district shall meet the same professional qualifications.

(h) The number of faculty members in the program shall be sufficient to achieve the goals as stated in its philosophy and objectives. The required number of faculty shall be determined by the following factors:

1. Number of students enrolled;
2. Number and locations of clinical affiliate facilities;
3. Total reasonable work-load capacity of the faculty;
4. Maintenance of ***supervision of students in clinical experiences within*** a student-faculty ratio of not more than ten students to one clinical faculty member.

(i) Responsibility for developing and implementing the program shall be placed in the nursing faculty. Faculty responsibilities shall include, but not be limited to:

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1. Development and implementation of the purposes, philosophy and objectives of the program;
2. Active participation in the construction, implementation, teaching and evaluation of the curriculum;
3. ***Participation in the* [E]**e*** establishment and implementation of criteria for faculty promotion and retention;
4. Establishment and implementation of criteria for student admission, promotion, retention, and completion of the program, consistent with the overall policies of the sponsoring institution;

5. Evaluation of student achievement on the basis of written criteria prepared or selected by the faculty;
6. Determination of eligibility of students for graduation and admission to the licensing examination;
7. Development of a written plan for evaluation of the effectiveness of the curriculum. The plan shall include instruments for evaluation, time of the evaluation, and intended uses of the evaluation. Evaluations shall be kept current and in accordance with the written plan. The Board may request evidence of the implementation of such evaluation.

(j) The curriculum shall be organized as follows:

1. The curriculum shall be designed by the faculty to reflect the stated philosophy and objectives of the program;
2. The conceptual framework of the curriculum shall be clearly stated and facilitate implementation of the curriculum goals;
3. Rationale shall be specified for the [organization of the]* allocation of credit for the nursing courses;
4. Non-nursing courses shall be attended with students in other disciplines.

(k) Curriculum content shall include the following:

1. All professional nursing programs shall reflect and implement a written [theoretical]* ***organizational*** framework which utilizes the nursing process. It shall include sufficient learning experiences encompassing casefinding, health teaching, health counseling, and the provisions of care supportive to or restorative of life and well-being;
2. All professional nursing programs shall include a broad spectrum of liberal arts and science offerings. Each student shall be required to take at least one college level course leading to proficiency in English composition. Content areas in the biological, physical and behavioral sciences shall include but not be limited to anatomy, physiology, chemistry, microbiology, physics, psychology, sociology and anthropology;
3. All professional nursing programs shall contain nursing courses with content from the major areas: medical-surgical, psychiatric, mental health, parent-child health, as well as promotion and maintenance of health, prevention and detection of illness and restoration of life. Clinical laboratory experience shall be planned as an integral part of the curriculum;
4. All professional nursing programs shall contain course content on ethical issues affecting practice and professional responsibilities;
5. All practical nursing programs shall be designed to incorporate materials and concepts from the physical, biological and behavioral sciences relevant to the principals and practice of nursing and contemporary issues in health care. The course of study shall be a minimum of 44 weeks in length excluding holidays and vacations. Forty percent of the total hours shall be devoted to classroom theory and laboratory. The remaining 60 percent shall be devoted to clinical experience and clinical conference. The program shall be organized

so that theory and clinical practice are offered concurrently throughout the entire program.

(l) The following changes require prior Board approval:

1. Whenever a change in the curriculum of any nursing program is contemplated, the Board shall be notified of the proposed change(s) in writing for its review and approval prior to implementation of the change.
2. Changes that require Board review and approval are:
 - i. Changes in philosophy, [theoretical]* ***organizational*** framework, purposes or objectives used in the curriculum;
 - ii. Major reorganization of the content structure;
 - iii. Changes in the use of clinical resources constituting a change in the agreement;
 - iv. Major changes in course content.
3. Written notification to the Board shall include:
 - i. A description of the current curriculum;
 - ii. A description of the contemplated change, including all revisions, deletions, additions or structural alterations proposed;
 - iii. Reasons for the proposed change.
4. Written notification as contained in (l)3 above shall be submitted at least four calendar weeks prior to the Board meeting at which approval is sought.

(m) The following educational and administrative resources shall be made available:

1. Classrooms, laboratories, conference rooms, offices and other space as needed, shall be provided to meet the needs of the students and faculty;
2. Adequate office space and equipment shall be provided for the administrator, faculty and clerical staff;
3. Furnishings, supplies and equipment shall be provided to achieve the educational purposes of the program;
4. The library shall be adequate in size and holdings to meet the educational needs of the students and faculty. Provision shall be made in the budget for regular and adequate acquisitions to the library collection. Library facilities, including audio-visual equipment shall be adequate and available to students and faculty.

(n) Clinical affiliates shall be subject to the following:

1. Resources for training in clinical practice shall be provided by a clinical affiliate. Every clinical affiliate utilized in a nursing program shall be approved by the Board of Nursing and by the appropriate accrediting authority of the facility prior to the assignment of students.
2. There shall be a written agreement between the nursing program and the clinical affiliate. The agreement shall be jointly approved by the parties and shall include but not be limited to provision for the following:
 - i. Periodic review of the terms of the agreement;
 - ii. Adequate notice of termination of the agreement by either party;
 - iii. Control of student education by the faculty of the nursing program;
 - iv. Continuous educational planning for students assigned to the clinical affiliate;
 - v. Joint annual evaluation of the effectiveness of the clinical experience;
 - vi. Student-faculty ratio of not more than ten students to one faculty member.
3. A clinical affiliate located outside of New Jersey shall meet the requirements of 1 and 2 above and shall be approved as a qualified institution for providing clinical experience in nursing by the Board of Nursing of the state in which it is located.

ADOPTIONS

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(a)

BOARD OF SHORTHAND REPORTING

Conditional Credit Rule

Adopted New Rule: N.J.A.C. 13:43-3.4

Proposed: April 1, 1985 at 17 N.J.R. 801(a).

Adopted: May 6, 1984 by New Jersey State Board of Shorthand Reporting, Theodore Formaroli, President.

Filed: May 13, 1985 as R.1985 d.288, **without change**.

Authority: N.J.S.A. 45:15B-1 and 3.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): April 18, 1988.

Summary of Public Comment and Agency Responses:

No comments received.

Full text of the adoption follows.

13:43-3.4 Conditional credit rule

(a) A candidate who passes two sections of the examination (by attaining at least 95 percent on each) may receive conditional credit for passing these sections provided a grade of at least 93 percent is received in the one remaining section failed.

(b) In the event that a candidate fails to receive a passing grade in the one remaining section for six examinations immediately following the examination at which conditional credit was earned, the candidate shall forfeit the conditional credit and shall revert to the status of a new applicant.

(b)

BOARD OF SHORTHAND REPORTING

Change of Address

Adopted New Rule: N.J.A.C. 13:43-3.5

Proposed: April 1, 1985 at 17 N.J.R. 801(b).

Adopted: May 6, 1985 by New Jersey State Board of Shorthand Reporting, Theodore Formaroli, President.

Filed: May 13, 1985 as R.1985 d.289, **without change**.

Authority: N.J.S.A. 45:15B-1.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): April 18, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:43-3.5 Change of address

A licensee of the Board of Shorthand Reporting shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued license. Such notice shall be given not later than 30 days following the change of address.

4. Whenever a change in the clinical facilities is contemplated, the Board shall be notified of the proposed change in writing for its review and approval prior to the implementation of the change.

(o) All programs in nursing and clinical affiliates shall be visited at regular intervals as determined by the Board by a field representative of the Board staff. The field representative shall examine all "Criteria of Accreditation" in accordance with this subchapter and prepare a written report for the review of the Board.

(p) Students shall be subject to the following:

1. Admission requirements shall meet all the requirements of N.J.S.A. 45:11-26 or 11-27.

2. Students shall be selected on the basis of established criteria *[without regard to race, creed, sex or national origin.]* ***in conformity with Federal and State laws on discrimination.***

3. There shall be written policies for admission, readmission promotion, retention, graduation and transfer of students.

4. There shall be written criteria for granting course credit for programs admitting students with advanced standing.

5. There shall be written policies governing payment and refund of tuition and other fees.

6. Dates shall be set for the beginning and ending of each term.

7. A grievance procedure shall be established and made available to the students.

8. Individual liability insurance shall be required for all students.

(q) Written policies regarding health, counseling and guidance services, financial aid, and living accommodations shall be established.

(r) All written policies affecting students shall be distributed to students.

(s) Every nursing program shall maintain a system of record-keeping which shall contain all data relating to its accreditation. Such data shall include course outlines, faculty organization, committee minutes, agency contracts, pertinent correspondence, reports of standardized tests and survey. These records shall be made available to the Board of Nursing upon request.

(t) There shall be a recordkeeping system that provides for accurate recording of admission data and student academic records. Provision shall be made for safe storage of records to prevent loss by destruction and unauthorized use. Student records shall be made available to the Board of Nursing upon request.

(u) Current information about the school shall be distributed to students, applicants for admission and the Board of Nursing. The bulletin shall include the following items:

1. General description of the program;
2. Philosophy and objectives of the program and its sponsoring institution;
3. Accreditation;
4. Admission, retention, promotion and graduation requirements;
5. Curriculum plan and course descriptions;
6. Statement of tuition fees and refund policies.

13:37-1.3 Change of address

(No change in text.)

(a)

**OFFICE OF THE STATE ATHLETIC
COMMISSIONER**

Boxing Rules

**Adopted Amendments: N.J.A.C. 13:46-1.1;
13:46-1A.1 and 1A.2; 13:46-4.1, 4.4, 4.7,
4.10, 4.15, 4.19, 4.20, 4.26, 4.27, 4.31,
4.35 and 4.36; 13:46-5.3 through
13:46-5.6, 5.8, 5.11, 5.15, 5.17, 5.21, 5.28,
5.29 and 5.31; 13:46-6.1 through
13:46-6.3, 6.7, 6.13, 6.14, 6.16 and 6.18;
13:46-8.1, 8.3, 8.8, 8.15, 8.17, 8.18, 8.21,
8.23 through 13:46-8.26, 8.28 and 8.33;
13:46-9.1, 9.3 and 9.5 through 13:46-9.7;
13:46-11.8; 13:46-15.2, 15.6, 15.8 and
15.11 through 13:46-15.13; 13:46-16.1
through 13:46-16.3; 13:46-17.1 through
13:46-17.5 and 13:46-17.8; 13:46-18.1,
18.3, 18.8 through 13:46-18.11, 18.14,
18.16 and 18.17; 13:46-19.6; 13:46-20.4,
20.6 through 13:46-20.9, 20.12, 20.16,
20.18 and 20.20; 13:46-21.1, 21.5, 21.6
and 21.8; and 13:46-22.1**

**Adopted Repeals: N.J.A.C. 13:46-4.14, 4.17,
4.18, 4.28 and 4.30; 13:46-6.8; 13:46-8.6,
8.31 and 8.32; 13:46-9.8 and 9.9;
13:46-15.18; 13:46-17.9; 13:46-18.6 and
18.19; 13:46-19.4 and 19.8; and
13:46-20.14**

**Adopted New Rules: N.J.A.C. 13:46-5.32;
13:46-6.20; and 13:46-8.35; and
13:46-18.12 and 13:46-18.18**

Proposed: November 5, 1984 at 16 N.J.R. 2962(a).
Adopted: April 26, 1985 by Irwin I. Kimmelman, At-
torney General of New Jersey.
Filed: May 13, 1985 as R.1985 d.284, **with substantive
and technical changes** not requiring additional public
notice and comment (see N.J.A.C. 1:30-3.5), and
with **portions** of the proposal **not adopted**.

Authority: N.J.S.A. 5:2-1 et seq., specifically N.J.S.A.
5:2-5 and N.J.S.A. 52:17B-140.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No.
66(1978): November 1, 1987 for N.J.A.C. 13:46-1,
1A, 4 and 15; August 16, 1987 for N.J.A.C. 13:46-
18; January 7, 1990 for N.J.A.C. 13:46-5, 8, 11 and
19; and June 3, 1990 for N.J.A.C. 13:46-6, 9, 16, 17,
20, 21 and 22.

Summary of Public Comments and Agency Responses:

Comment: 13:46-5.29

This regulation requires non-New Jersey residents to be licensed in their states of legal residence before obtaining a license in New Jersey. Many states do not issue boxing licenses and a license may be difficult to obtain when a fighter has not yet boxed in his state of residence. Many boxers have their first fight in New Jersey, given New Jersey's role as the busiest boxing state in America.

Response:

This comment is accepted because it indeed may be difficult or impossible for a new fighter to become licensed in his state of residence and then qualify for New Jersey licensure in a timely fashion. The existing regulation allows the Commissioner to waive this requirement in appropriate cases. Therefore, a portion of the proposed amendments will be adopted, however, the provision of the existing regulation authorizing the Commissioner to waive the above requirement will be retained.

Comment: 13:46-8.25

The maximum compensation to be paid to referees and judges should be \$500 and \$275 respectively.

Response:

This regulation will not be changed at this time because it is extremely rare that the maximum will exceed that amount.

Comment: 13:46-8.25

This regulation providing for the compensation of referees and judges should also include physicians and are in the highest category of payment because they are charged with the most responsibility in boxing and wrestling matches.

Response:

The amount of compensation to be paid to physicians in the future should be determined by the newly-created State Athletic Control Board as a matter of the exercise of their discretion rather than set forth in this regulation. However, it is provided that no fees or expenses should be paid directly to a physician by a promoter but rather the promoter shall write a check to the order of the State of New Jersey in an amount determined by the Commissioner or the Chief Inspector.

Comment: 13:46-9.8 and 9.9

These regulations regarding the taxation of the sale of tickets and the sale of television, moving pictures or radio rights is inconsistent with the statute.

Response:

Since these sections were first proposed, L.1984, c.248 has been enacted effective on January 7, 1985. The regulations are unnecessary and are repealed.

Comment: 13:46-10.8

There is no need for a regulation which fixes the compensation of announcers and the compensation should be set by negotiation between the promoter and the announcer.

Response:

This comment is accepted since there does not appear to be any valid state interest in regulating the compensation of announcers. It should remain between the promoter and the announcer to agree upon an acceptable compensation for an individual boxing program.

Comment: 13:46-10.8

There is no reason to provide for an increase in the amount of compensation to be paid to an announcer at a boxing exhibition without at the same time authorizing an increase in the compensation to be paid to an announcer at a wrestling exhibition.

Response:

This regulation to set the compensation of announcers at boxing exhibitions has not been adopted.

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Comment: 13:46-18.12

This regulation which requires main event boxing contracts to be submitted to the Commission 30 days in advance of a fight and contracts for undercard fights to be submitted 14 days prior to the fight is unrealistic because many matches are not agreed upon until a much shorter time prior to the holding of the bout.

Response:

The time limits of a rigid 30 days for main events and 14 days for the undercard fights do appear to be unrealistic. This regulation will be amended to provide for 30 days for main events and 5 days for undercard fights with a waiver of these requirements for good cause in the discretion of the Commissioner.

13:46-4.25 which provides for increased license fees for boxers, wrestlers, managers, seconds, referees, timekeepers, inspectors, announcers, doormen and box office employees will not be adopted at this time because a fiscal justification supporting a need for the increase in these fees has not been prepared. Also, N.J.A.C. 13:46-4.6, 4.10, 4.26, 4.29, 15.2(d), and 20.18(b) which provide for a variety of increased fees will not be adopted at this time because a fiscal justification supporting a need for the increase in these fees has not been prepared. It is anticipated that the newly-created State Athletic Control Board would examine the sufficiency of these fees as one of their first orders of business.

13:46-18.15 which proposes an amended regulation regarding the exclusivity and reservation of dates is not being acted upon because this amendment has been separately adopted at 17 N.J.R. 314(b), February 4, 1985.

Also, since a comment has been accepted to eliminate any regulation of the compensation of announcers, 13:46-11.10 dealing with the compensation of timekeepers in boxing shows will also be eliminated so that such compensation may be set by negotiated agreement with the promoter.

Since there has not been any scale of compensation proposed for the payment of doormen or box office employees because such persons are usually employees of the casino or the arena, any requirement that a box office employee or doorman be paid by state check in 13:46-9.6 has been eliminated.

Finally, to provide additional clarification to 13:46-9.6 it is provided that promoters shall not make any payments of either compensation or expenses directly to a referee, judge, timekeeper, announcer or physician unless such payments are determined and authorized by the Chief Inspector. This will identify the nature of the payments referred to by the regulation.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

13:46-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...
"Club contract" is an agreement between a boxer with a promoter that provides that the boxer shall participate in a bout with another named boxer.

...
"Manager" means any person who:
1.-3. (No change.)

...

"Program" means the total of all boxing and wrestling matches presented on a particular occasion.

...

13:46-1A-1 Classes of boxers

- (a) Boxers shall be divided into the following classes:
1.-7. (No change.)
8. Cruiserweight over 175 to 190 pounds
9. Heavyweight all over 190 pounds

13:46-1A-2 Weight difference of contestants

(a) No contest shall be scheduled, and no contestants shall engage in a boxing contest where the weight differences shall exceed the allowance as shown in the following schedule, without the written approval of the Commissioner.

- 1.-6. (No change.)
7. 175 to 190 pounds not more than 15 pounds
8. 190 pounds and over no limit

SUBCHAPTER 4. LICENSING AND PERMITS

13:46-4.1 General licensing requirement

No person, club, corporation or association shall hold, conduct or participate in boxing bouts or wrestling exhibitions or sparring exhibitions in the State of New Jersey without first having obtained a license from the State Athletic Commissioner. The Commissioner, in the exercise of the discretion to grant or deny a license, may consider any determinations, standards or recommendations made by a nationally recognized boxing association whose voting membership is composed of representatives of governmental agencies regulating boxing. Any such determinations, standards or recommendations made by a nationally recognized boxing association whose voting membership is composed of representatives of governmental agencies regulating boxing. Any such determinations, standards or recommendations made may include, but not be limited to, any concerning the moral character of the applicant. A nationally recognized boxing association shall include, but not be limited to, the World Boxing Association, the World Boxing Council, the North American Boxing Federation and the United States Boxing Association. Nevertheless, the Commissioner shall retain full authority to grant or deny a license irrespective of a determination or recommendations by such an association.

13:46-4.4 List of associated persons

Every application for a license shall have attached to it a complete list of these persons associated with the applicant. If the applicant is a partnership, the list shall state the name of all partners, and if the applicant is a corporation, the list shall state all officers and directors and all shareholders owning or controlling 10 percent or more of the stock. Failure to file such a complete list of associated persons with the application shall be considered sufficient reason to refuse issuance of the license. If the list of associated persons or any other information required by the act or by these rules is falsified and a license is issued, the license shall be revoked.

13:46-4.6 Fees

- *(a) The fee for a promoter license is \$100.00.**
- *(b) The fee for a wrestling license is \$50.00*.**
- *[(a) The fee for a boxing or wrestler's promoter's license is \$150.00.**
- (b) The fee for a wrestling promoter's permit is \$100.00.]***
- *(c) The fee for a single show permit wrestling license is \$25.00.***

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13:46-4.7 Period of validity; Renewal of licenses

All licenses must be renewed on or before June 30 of each year no matter when they were originally obtained and shall be valid until June 30 of the next year.

13:46-4.10 Matchmaker

Each licensed promoter shall designate a matchmaker who must be licensed by the Commissioner pursuant to N.J.A.C. 13:46-9.1. The fee for a matchmaker license shall be *\$35.00* *\$25.00*.

13:46-4.14 (Reserved)

13:46-4.15 Sale or transfer of license prohibited

Licenses are not to be bartered, sold, exchanged or transferred.

13:46-4.17 (Reserved)

13:46-4.18 (Reserved)

13:46-4.19 Promoter responsibility

All holders of a promoters license shall be held absolutely responsible to the Commissioner for all programs or exhibitions held, given or conducted.

13:46-4.20 (Reserved)

13:46-4.25 License fees

AGENCY NOTE: The proposed amendments to this section are not adopted. The current text of N.J.A.C. 13:46-4.25 remains in effect.

13:46-4.26 Lost license; duplicate

If a license is lost, its owner may obtain a duplicate for *\$1.00* *\$2.00* by written application to the Trenton Office of the State Athletic Commissioner.

13:46-4.27 Criteria for license issuance to promoters

(a) The State Athletic Commissioner may grant a license to conduct boxing or wrestling promotions where an applicant has demonstrated to the satisfaction of the Commissioner financial responsibility, experience, good character and general fitness and of those persons who own or control more than 10 percent of the profits or assets of the firm, association or partnership or the officers of a corporation or those stockholders who own more than 10 percent of the stock in such a corporation; provided, however, no license shall be granted to any applicant convicted of any offense in this or any other jurisdiction which would be under New Jersey law a crime or moral turpitude or any other offense which indicates that licensure would be inimical to the conduct of the sport of boxing in this State.

(b) In deciding whether to renew a license to a promoter, the Commissioner may consider the number of shows promoted in the prior year but a show should be held in each 90 day period.

13:46-4.28 (Reserved)

13:46-4.29 Co-promoter

Any co-promoter of a boxing or wrestling promotion must obtain a *\$100.00* *\$150.00* permit license associating himself with a licensed promoter. Such a license is valid for a single show.

13:46-4.30 (Reserved)

13:46-4.31 Geographical territory

(a) When issuing a yearly boxing or wrestling license, the Commissioner shall designate which of three geographical

territories over which the license shall be valid.

(b) A promoter may obtain a license to promote in more than one geographical territory and must obtain a license for a specific territory before promoting in that territory.

13:46-4.35 Fingerprinting of applicants for licenses

The Commissioner shall, at his discretion, cause the fingerprints of any applicants for a license, including officers or directors of corporations, to be recorded and kept on file in the office of the Commissioner for identification purposes and for guidance in the exercise of discretion in granting, rejecting or suspending such licenses.

13:46-4.36 Refund of license fees

Refunds will not be granted to any person for fees paid for a license, when such person fails to complete the application requirements considered and approved by the Commissioner.

13:46-5.3 Boxer as self manager

Any boxer who has attained his 18th birthday and is not under contract to a manager can make his own matches, signing contracts to handle his own affairs and shall for the same apply for a manager's license.

13:46-5.4 First appearance; proof of age and identity

(a) Any boxer must provide positive proof of his age and identity.

(b) Unless positive proof of age and identity is provided, the inspector shall not permit the contestant to box.

(c) Positive proof of age and identity may include but may not be limited to a drivers license or birth certificate.

13:46-5.5 Boxer-manager contract forms

(a) All boxers with managers must, when boxing in New Jersey for the first time, sign boxer-manager contract forms. These must be executed in triplicate in the presence of a notary public or a Commission official. One copy shall be retained by the manager, one copy shall be retained by the boxer and the manager shall file the third copy with the State Athletic Commissioner.

(b) All contracts and written agreements between a boxer and his manager must be filed with the State Athletic Commissioner.

13:46-5.6 Boxer-manager contracts; time of effectiveness

(a) Boxer-manager contracts in New Jersey shall be effective for a maximum of three years, unless the manager releases the boxer or the Commissioner declares the contract void.

(b) No boxer-manager contracts in New Jersey may be renewable at the exclusive option of the manager.

13:46-5.8 Parties to contract to be licensed

(a) (No change.)

(b) The Commissioner may recognize contracts on file with governmental agencies in other jurisdictions provided that the contract comply with the rules of the Commissioner.

13:46-5.11 Payment to boxer

A promoter shall pay the boxer the full purse specified in the contract.

13:46-5.15 Failure to give satisfactory performance

(a) If a boxer, in the judgment of the referee, inspector or other Commission official, fails to give a satisfactory performance, his purse shall be forwarded to the Commissioner.

(b) Such money withheld shall be deposited with the State Treasurer.

(c) All parties concerned shall be summoned to a hearing

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and the disposition of the purse shall be decided by the Commissioner. If the Commissioner agrees that the boxer failed to give a satisfactory performance he may fine the boxer and the amount of the fine shall be deducted from the purse.

13:46-5.17 Boxer with suspended manager

A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing all contracts for matches.

13:46-5.21 Fouls

(a) The following are fouls in boxing and boxers committing any of these infractions are subject to penalty as the referee sees fit:

- 1.-6. (No change.)
7. Butting with the head or shoulder or using the knee;
- 8.-15. (No change.)

13:46-5.28 Contest stopped prematurely

When a boxing contest is stopped because of rain or other unavoidable circumstances and less than half of the scheduled number of rounds have been finished, the Commissioner or his representative shall call the same a draw. If, under the same circumstances, half or more of the scheduled number of rounds have been completed, the decision shall be awarded in accordance with the majority score of the scorecards.

13:46-5.29 Resident license

No professional boxer who is not a resident of New Jersey may be booked or scheduled to appear in any boxing contest unless such boxer has in his possession a current license from his State of legal residence, or other appropriate governmental jurisdiction*, **or if the same provision is waived by the Commissioner***.

13:46-5.31 Grounds for suspension of license

A license of any boxer shall be suspended for an arrest for or revoked on a conviction of any offense in this or any other jurisdiction which would be under New Jersey law a crime of moral turpitude or any other offense which indicates that licensure would be inimical to the conduct of the sport of boxing in this State. An application for a license or renewal thereof shall be denied by the Commission for the same reasons.

13:46-5.32 First appearance; number of rounds

Any boxer making his first professional appearance may not box more than four rounds.

13:46-6.1 General qualifications

In order to be licensed as a manager an individual must indicate to the satisfaction of the Commissioner that he is able to work with the boxer or boxers he seeks to manage and to protect their interest and safety and is conversant with the rules and regulations of the Commission.

13:46-6.2 Working in a boxer's corner

No manager may work as a second unless he has been licensed as a second.

13:46-6.3 Loss of license by manager

Any manager who signs a boxer-manager contract must continue to be licensed during the term of the contract. If a manager does not renew his license, or if his license is not renewed or if his license is revoked by the Commissioner, the provisions of the boxer-manager contract at the discretion of the Commission will not be recognized by the Commissioner.

13:46-6.7 Number of boxers with same manager in one show

No manager shall have more than four boxers engaged on a card of any boxing show.

13:46-6.8 (Reserved)

13:46-6.13 Number of managers per boxer

(a) No boxer can have more than one manager without express approval of the Commissioner.

(b) (No change.)

13:46-6.14 Manager attempting to take another manager's boxer

It shall be a prohibited practice for any licensed manager to attempt to take another manager's boxer.

13:46-6.16 Aid for injured boxer

No manager shall attempt to render aid to an injured boxer before the ringside physician has had an opportunity to examine the boxer.

13:46-6.18 Grounds for suspension of license

A license of any manager shall be suspended for an arrest for or revoked on a conviction of any offense in this or any other jurisdiction which would be under New Jersey law a crime of moral turpitude or any other offense which indicates that licensure would be inimical to the conduct of the sport of boxing in this State. An application for a license or renewal thereof shall be denied by the Commission for the same reasons.

13:46-6.20 Manager supplying unfit boxers

It shall be a prohibited practice for a manager to supply boxers for bouts who are either unfit to box or who fail to give satisfactory performances.

SUBCHAPTER 8. BOXING REFEREES AND JUDGES

13:46-8.1 Selection and assignment

(a) Referees and judges for boxing exhibitions shall be selected, licensed, and assigned by the Commissioner.

(b) To be licensed as a referee or as a judge an individual must have officiated previously in amateur competition or in other states or jurisdictions. The Commissioner will review the applicant's previous performance and will consider any other training including attendance at seminars conducted by the State Athletic Commissioner. Judges must be conversant with the rules and regulations of the Commissioner.

13:46-8.3 Reporting for duty; number per show; restrictions

(a) Referees and judges must report for duty at least one hour before the scheduled starting time of the show.

(b) Three judges and at least two referees will be assigned for each show.

(c) Referees must first report to their dressing room; then to ringside; must stay at ringside when not officiating; and will avoid conversation except with Commission officials.

13:46-8.6 (Reserved)

13:46-8.8 Mid-ring instructions

The referee shall call contestants together before such bout for final instructions, covering good sportsmanship and the eight-count; at which time each contestant shall be accompanied by his chief second only. The contestants, after receiving instructions, shall shake hands and retire to their corners. They shall not again shake hands until the beginning of the last round.

13:46-8.15 Failure to answer bell

If any boxer fails to answer the bell after his rest period

between rounds, the referee shall declare his opponent the winner by a TKO in the round coming up. The judges shall so indicate on their scorecards.

13:46-8.17 Knocked down construed

A boxer shall be considered by the referee to be knocked down when any part of his body other than his feet is on the ring floor, or if he is helplessly on the ropes as a result of a legal blow as ruled by the referee.

13:46-8.18 Failure to compete

(a) (No change.)

(b) A contestant earns nothing and shall not be paid for an exhibition or contest in which there is stalling, faking or dishonesty or collusion or when a contestant severely and deliberately fouls his opponent.

(c) The Commissioner shall determine the merits of any such contest and take whatever action he considers proper including the suspension or revocation of the licenses of any boxer or manager.

(d) In any such case the representative of the Commissioner should order the purse of the offender held up and forwarded to the Commissioner for investigation and action.

(e) The Commissioner may fine the boxer or boxers and the amount of the fine shall be deducted from the purse and deposited with the State Treasurer.

13:46-8.21 Boxer fallen or knocked through ropes; return unassisted

(a) If a contestant has been knocked out or has fallen out of the ring during the contest, the referee shall at once order the other boxer to a neutral corner.

(b) The contestant who has fallen or has been knocked out of the ring must, within 20 seconds, return to the ring unassisted by his seconds. The referee, at his discretion, or guided by the expert judgment of the ringside physician, shall have the contest continue, unless he stops the contest and awards the other boxer the decision by technical knockout.

13:46-8.23 Low blow foul rule

(a) A contestant may not be awarded a contest on a claim of a low blow foul unless the referee determines that due to the severity and deliberativeness of the low blow foul, the boxer responsible for the low blow foul shall be disqualified. A referee may penalize any contestant who deliberately fouls his opponent during a contest with a loss of points and round.

(b) In the case of a foul when the referee does not determine that the boxer responsible shall be disqualified, the referee shall determine if the boxer who has been fouled can continue or not. If his chances have not been seriously jeopardized as a result of the foul, the referee may order the bout to continue after an interval of not more than five minutes.

13:46-8.24 Referee's report of disregard of rules

(a) A referee shall submit a report of any and all contests which he referees where there has been a disregard of the rules.

(b) The original report must be mailed to the Trenton office of the Commissioner within seven days.

13:46-8.25 Compensation

(a) The compensation and expenses to boxing referees and judges shall be paid by the promoter conducting the show and shall be on the following basis:

1. If the gross gate receipts of the show do not exceed \$15,000, the fee for each of the two referees shall be \$150.00 and the fee for each of the three judges shall be \$125.00.

2. When the gross receipts are between \$15,000 and \$30,000, the fee for each of the referees shall be \$175.00 and the fee for each of the three judges shall be \$150.00.

3. When the gross receipts are between \$30,000 and \$50,000 the fee for each of the referees shall be \$200.00 and the fee for each of the three judges shall be \$175.00.

4. When the gross receipts are between \$50,000 and \$75,000 the fee for each of the referees shall be \$250.00 and the fee for each of the three judges shall be \$200.00.

5. When the gross receipts are between \$75,000 and \$150,000 the fee for each of the referees shall be \$300.00 and the fee for each of the three judges shall be \$225.00.

6. When the gross receipts are between \$150,000 and \$200,000 the fee for each of the referees shall be \$400.00 and the fee for each of the three judges shall be \$250.00.

7. When the gross receipts are between \$200,000 and \$300,000 the fee for each of the referees shall be \$500.00 and fee for each of the three judges shall be \$275.00.

8. When the gross receipts are in excess of \$300,000 the fee for the referees and judges will be set by the Commissioner.

13:46-8.26 Verbal or physical abuse of referee or judge

Any licensee who verbally or physically abuses a referee or judge shall be suspended indefinitely and his license may be revoked.

13:46-8.28 Knocked out boxer; treatment by physician

A boxer who is knocked out must not be touched or moved by anyone except the ringside physician. The physician shall determine the methods of resuscitation.

13:46-8.31 (Reserved)

13:46-8.32 (Reserved)

13:46-8.33 Substitution of judge

(a) In the event a judge becomes incapacitated and is unable to finish scoring a boxing contest, time out should be called and the alternative referee shall immediately be assigned to score the same.

(b) It shall be mandatory for the alternative referee to continue scoring on the scorecard used by the incapacitated judge.

(c) The alternative referee must start the round from the beginning from the time of his substitution for the incapacitated judge.

13:46-8.35 Incapacitation of referee

In the event a referee becomes incapacitated, time out shall be called and the other referee assigned to the show will assume the duties of the incapacitated referee.

SUBCHAPTER 9. INSPECTORS

13:46-9.1 Qualification and duties

(a) In order to be appointed and licensed as an inspector an individual must indicate to the satisfaction of the Commissioner that he is capable of determining the appropriate amount of taxes and insurance premiums to be paid by a promoter for an event. Inspectors must be able to compose a payroll of ring officials and must be conversant with the rules and regulations of the Commissioner.

(b) Inspectors shall be in charge of shows for the purpose of:

1. Determining that contestants and all other participants are licensed according to the requirements of the rules of this chapter;
2. Collecting taxes;

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3. Composing a list of the identities of fight officials to be used as a payroll by the Office of the Commissioner;

4. Supervising gate entrances;

5. Submitting an insurance premium report to the Commissioner and collecting a check from the promoter for payment of the insurance premiums. The report and premium shall be forwarded by the Commissioner to the insurance carrier.

13:46-9.3 Report; payment of taxes and fees

(a) The inspector-in-charge at every show, boxing or wrestling, must submit or mail to the Commissioner within 24 hours a completed inspector's report on a form provided by the State Athletic Commission.

(b) Payment of all taxes and other fees must be made to the State Athletic Commission forthwith under penalty of suspension.

13:46-9.5 Forwarding of scorecards

Inspectors at boxing shows must obtain the judges' scorecards and forward same to the Commissioner in addition to other required reports.

13:46-9.6 Payment of referees, judges, timekeepers, announcers, ***and physicians***; ***[doormen and box office employees]***

Promoters shall not make ***any*** payments ***of compensation and/or expenses*** directly to referees, judges, timekeepers, announcers ***or physicians*** ***[doormen or box office employees]***. The promoter shall write a check to the State of New Jersey in an amount ***authorized and*** determined by the chief inspector. The check shall be given to the chief inspector at the fight and should be given to the Commissioner by the chief inspector. The funds will be disbursed by the Commission to the referees, judges, timekeepers, announcers, ***or physicians.*** ***[doormen or box office employees based upon the payroll composed by the inspectors.]***

13:46-9.7 Check of substitute boxers

All substitutions must occur no later than two hours after the weigh-in and all substitutes must be approved by the Commissioner or his representative and have previously obtained licenses from the State Athletic Commission.

13:46-9.8 ***[Collection of tax payment]*** ***(Reserved)***

13:46-9.9 ***[Computing tax payment]*** ***(Reserved)***

AGENCY NOTE: Since these sections were first proposed, L.1984, c.248 has been enacted and effective January 7, 1985. Therefore, these regulations are unnecessary and are being deleted in their entirety.

13:46-10.8 Compensation of announcers

13:46-11.10 Compensation of timekeeper in boxing shows
AGENCY NOTE: The above proposed new rules are not adopted.

13:46-11.8 Termination between rounds

(a) If a boxing bout shall terminate between rounds by decision of the referee and the bell has not sounded for the next round, the boxer will be considered knocked out in the round just concluded; if the bell has sounded the fighter will be considered knocked out in the next round.

13:46-15.2 Printer's license

(a) All licenses hereunder shall be for a period of one year unless sooner revoked for cause.

(b) At the time of the application for such license, the applicant shall execute and file with the Commissioner a bond

to the State of New Jersey in the sum of \$10,000 in proper form and with sureties thereon satisfactory to the Commissioner, which bond shall be conditioned for compliance with the provision of the license.

(c) A printer's license fee shall be ***\$15.00*** ***[\$25.00]*** for a period of one year.

13:46-15.6 Price on ticket

Every ticket offered for sale shall have printed on its face the total price charged therefore and the maximum premium, not to exceed 20 percent of the ticket price or \$3.00 whichever is greater, plus taxes at which a ticket may be resold shall be printed either in a dollar amount or as a formula on the face or back of any ticket.

13:46-15.8 Holding of tickets; time limits

(a) Tickets of every description used for any boxing match or wrestling exhibition must be held by the promoters for six months.

(c) (No change.)

13:46-15.11 Free admission

Newspaper reporters, photographers, telegraphers and radio and television announcers assigned to work by their recognized employers or superiors, policemen and firemen in uniform and on duty, and persons of similar vocation who are admitted free for the performance of special duties in connection with any event and whose special duties are the sole reason for their presence and free admission, are not liable for any tax on admission.

13:46-15.12 Ticket exemptions

(a) Tickets or passes shall be provided by the promoter for principals and seconds who are engaged in a boxing show.

(b) Any promoter admitting any person other than those specifically exempted without a ticket is subject to a penalty deemed proper by the Commissioner under the circumstances.

13:46-15.13 Irregularities

(a) In all cases where it is reported by an inspector that a promoter has made an incorrect statement of its gate receipts, or has used tickets not appearing on the statement required by the rules of the Commission, or by any mistake or subterfuge as to reduce the amount of tax under the law, the promoter shall be called before the Commission and upon the failure to make a prompt and satisfactory explanation and adjustment the promoter's license shall be revoked.

(b) Reports on any such irregularities must be made immediately, and in writing, by the State inspector.

13:46-15.18 (Reserved)

13:46-16.1 Doormen and box office employees

(a) Doormen for boxing and wrestling exhibitions shall be appointed, licensed and assigned by the Commissioner.

(b) Box office employees employed at boxing or wrestling shows shall be appointed by the promoter and licensed and assigned by the State Athletic Commissioner.

13:46-16.2 Separation

The employment duties of doormen and box office employees are not interchangeable. Those employed as doormen shall not be licensed as box office employees.

13:46-16.3 Supervision

Doormen and box office employees shall be supervised by Commission representatives.

13:46-17.1 Conduct; approval

(a) Amateur ABF boxing shall be conducted under the direction and rules of the Amateur Boxing Federation.

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(b) (No change.)

13:46-17.2 Tickets

Tickets for amateur ABF boxing shows must be printed by printers licensed and authorized by the New Jersey Athletic Commission.

13:46-17.3 Inspector

The Commissioner shall assign an inspector to each ABF show. The inspector shall collect the State Tax and shall work closely with the ABF clerk.

13:46-17.4 Safety precautions

The inspector must not permit an amateur ABF boxing show to proceed unless there is a doctor in attendance at ringside and an ambulance available and all safety precautions are strictly adhered to in accordance with the rules and regulations of this Chapter.

13:46-17.5 Physicians' compensation

Physicians at ABF shows shall be compensated by the ABF clubs unless their services are donated.

13:46-17.8 Permit; ABF sanction

No permit will be granted for the purpose of holding amateur contests unless request for such permit is accompanied by sanction of the ABF.

13:46-17.9 (Reserved)

13:46-18.1 General responsibility

A licensed promoter will be held responsible for any failure to adhere to or enforce the rules and regulations of the New Jersey Athletic Commission.

13:46-18.3 Non-use of license

If a promoter has been granted a license for boxing or wrestling shows and the promoter does not hold a boxing or wrestling show for a period of 90 days, the license of said promoter may be revoked.

13:46-18.6 (Reserved)

13:46-18.8 Grounds for suspension of license

A license of any promoter shall be suspended for an arrest for or revoked on a conviction of any offense in this or any other jurisdiction which would be under New Jersey law a crime of moral turpitude or any other offenses which indicates that licensure would be inimical to the conduct of the sport of boxing in this State. An application for a license or renewal thereof shall be denied by the Commission for the same reasons.

13:46-18.9 Maintenance of order; responsibility

(a) Promoters will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(b) Promoters must supply adequate security services to ensure that order may be maintained and all laws and regulations enforced.

13:46-18.10 Minimum schedule of rounds per program

Promoters shall not schedule less than 28 rounds of boxing for any one program unless permission is granted by the Commissioner.

13:46-18.11 Time of main event

(a) Promoters shall strive to start the main event of a boxing show not later than 10:00 P.M.

(b) If the semi-final or other advertised bouts have not been held they shall be put on after the main bout.

13:46-18.12 Filing of boxing contracts; secret agreements

(a) Copies of all boxing contracts must be filed with the office of the State Athletic Commissioner. For the main bout, contracts shall be filed 30 days in advance of the contest or at such times as shall be determined at the discretion of the Commissioner. For undercard bouts, contracts shall be filed *[14]* *5* days in advance of the contest *or at such times as shall be determined at the discretion of the Commissioner*.

(b) The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

13:46-18.14 Press room

(a) At any professional boxing program, the licensed promoter shall provide a special room where, members of the working press, radio and television broadcasters and photographers may have access to information about the program.

13:46-18.15 Exclusivity and reservation of dates

AGENCY NOTE: The proposed amendment was previously adopted. See 17 N.J.R. 314(b), February 4, 1985.

13:46-18.16 Posting security for ticket refunds

Licensed promoters shall post with the Commissioner a surety bond in such amount and for such time as shall be determined by the Commissioner for payments by said licensed promoter at the box office to patrons who apply for refunds on tickets already purchased when an advertised boxing program as scheduled is cancelled or postponed, except when the main contest is to be held on a scheduled rainout date indicated on the ticket.

13:46-18.17 Public announcements or advertisements of bouts

No licensed boxing promoter, matchmaker, manager or boxer may publicly announce or advertise that any bout or exhibition will take place unless such bout or exhibition has been formally approved by the office of the State Athletic Commissioner.

13:46-18.18 Filing period for promoter's contract

All contracts between licensed boxing promoters and boxers or managers of boxers affecting or calling for the service of a boxer shall be filed with the office of the State Athletic Commissioner by such licensed boxing promoter within 48 hours after the execution of such a contract.

13:46-18.19 (Reserved)

13:46-19.4 (Reserved)

13:46-19.6 Grounds for suspension of license

A license of any matchmaker shall be suspended for an arrest for or revoked on a conviction of any offense in this or any other jurisdiction which would be under New Jersey law a crime of moral turpitude or any other offense which indicates that licensure would be inimical to the conduct of the sport of boxing in this State. An application for a license or renewal thereof shall be denied by the Commission for the same reasons.

13:46-19.8 (Reserved)

13:46-20.4 Physical and mental examination

(a)-(b) (No change.)

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(c) The Commission may require an applicant or licensee to undergo any other medical tests the Commission deems necessary.

13:46-20.6 Tape on body

No wrestler shall be permitted to tape his hands, arm or any part of his body without the consent of the ringside physician.

13:46-20.7 Wrestling at one location per night

(a) No wrestler shall wrestle at more than one location on the same night unless he receives special permission from the Commissioner.

(b) No booking agent shall contract for the services of any wrestler at more than one location on the same day unless he receives special permission from the Commissioner.

(c) No promoter shall book or advertise a wrestler who he knows has been booked to wrestle at another location on the same night.

13:46-20.8 Certified notice

At least seven days before any wrestling show, the promoter shall furnish the Commission with an advanced signed certified notice of the participants, giving the true and ring names of the wrestlers.

13:46-20.9 Non-appearance

(a) (No change.)

(b) Non-appearance without a medical certificate notice shall be grounds for a penalty by a fine or suspension or both.

(c) (No change.)

13:46-20.12 Safety equipment

The professional boxing rules governing the size, construction and safety equipment of boxing rings shall apply to wrestling rings except that there shall be three strands of ring rope in wrestling rings and the Commissioner may allow variance from rules when necessary due to the different nature of the sports.

13:46-20.14 (Reserved)

13:46-20.16 Activity confined to ring and ring apron

(a) (No change.)

(b) Any wrestler leaving the ring during the course of the exhibition shall be subject to fine or suspension or both at the Commissioner's discretion.

13:46-20.18 License

(a) Every wrestling promoter shall obtain a license from the New Jersey Athletic Commission.

(b) The fee for the license shall be *\$50.00* *[\$100.00]* and shall be valid on a fiscal year basis.

(c) No booking agent shall supply any New Jersey promoter with any wrestling talent without first obtaining a license.

13:46-20.20 Dealing with unlicensed promoters

No wrestling booking agent shall deal with any unlicensed promoter in contracting for a wrestling show, or first verifying whether such party is licensed by the State Athletic Commissioner.

13:46-21.1 Compensation

(a) The compensation to referees shall be paid by the promoter conducting the show and shall be on the following basis:

1.-11. (No change.)

13:46-21.5 Report

Each wrestling referee shall make a written report to the

Commissioner of any contest which he referees where there has been a disregard of the rules. The report must be mailed to the Trenton office of the Commissioner within seven days.

13:46-21.6 Payment of referees

Promoters shall not make payment directly to wrestling referees. The promoter shall write a check to the State of New Jersey in an amount determined by the Chief Inspector. The check shall be given to the Chief Inspector at the exhibition and forwarded to the Commission by the Chief Inspector. The funds will be disbursed by the Commission to the referees based upon the payroll composed by the inspectors.

13:46-21.8 Apparel

Apparel required for wrestling referees shall consist of blue shirt, black trousers, black bow tie and black shoes.

SUBCHAPTER 22. HEARINGS AND SUBPOENA OF WITNESSES

13:46-22.1 Investigations and hearings held by Commissioner

(a)-(b) (No change.)

(c) When the hearing takes place the Commissioner may administer oaths to and examine any witnesses for the purpose of determining the question for which the hearing has been called.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Local Property Tax County Boards of Taxation

Adopted Amendment: N.J.A.C. 18:12A-1.2

Proposed: March 18, 1985 at 17 N.J.R. 683(a).

Adopted: May 1, 1985 by John R. Baldwin, Director,
Division of Taxation.

Filed: May 3, 1985 as R.1985 d.261, **without change.**

Authority: N.J.S.A. 54:3-2, 54:3-14 and P.L. 1984,
c.188.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No.
66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

18:12A-1.2 Educational requirements; organization and meetings; annual report by board president

(a) (No change.)

(b) Each member serving on November 15, 1984, the effective date of P.L. 1984, c.188 shall furnish such proof within 24 months of such date, if 24 months or more of his term are remaining thereafter.

(c)-(h) (No change.)

(a)

DIVISION OF TAXATION

Sales and Use Tax

Receipts from the Sale of Food and Drink

Adopted Repeals: N.J.A.C. 18:24-12.1 through 12.4

Adopted New Rules: N.J.A.C. 18:24-12.1 through 12.7

Proposed: January 21, 1985 at 17 N.J.R. 178(a).

Adopted: May 8, 1985 by John R. Baldwin, Director, Division of Taxation.

Filed: May 9, 1985 as R.1985 d.280, with a portion of the proposal not adopted.

Authority: N.J.S.A. 54:32B-1 et seq., specifically 54:32B-24.

Effective Date: June 3, 1985.

Expiration Date pursuant to Executive Order No. 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:

1. The first comment received suggested that where food and drink is sold for consumption off the premises the incidence of the sales tax on the receipt should not be based on whether or not an item of food is heated or unheated. The Division responded that sales tax is due, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores, citing N.J.S.A. 54:32B-3(c)(3) and N.J.A.C. 18:24-12.3(c). The same comment indicated that food sold in a heated state is not necessarily heated for off premises consumption, especially where the vendor does not have eating facilities available for his customers. In answer to this comment, the Division's reply stated that the sale of prepared food and drink intended for off premises consumption is subject to sales tax whether or not the vendor provides customers with tables, counter space, chairs, benches or other conveniences. The premises test applies only to N.J.S.A. 54:32B-3(c)(1), not 3(c)(3).

2. The second comment contended that the Division's audit practice and a prior determination, contained in an informal letter, regarding the subject of subsidized employee cafeterias and food service operations bar or estop rule-making by the Division and, hence, taxpayers' activities were exempt from sales tax. The Division responded, stating that this Division is obligated to engage in rule-making where a determination of liability prescribes a standard or directive that is not expressly provided for in the Sales and Use Tax Act, citing the New Jersey Supreme Court's opinion in the case of *Metromedia, Inc. v. Director, Division of Taxation*, 97 N.J. 313 (1984). Where a policy, practice or determination is to be modified or retracted, rule-making is the acceptable course of action. The *Metromedia* case does not stand for the proposition that an opinion or determination once given to a taxpayer or class of taxpayers cannot be retracted, modified, and estops the action of the Division. An argument was also made in this comment that there is an inconsistency between the proposed rules N.J.A.C. 18:24-12.5(a)6 and N.J.A.C. 18:24-

12.6, which could lead to the conclusion that 12.5(a)6 provides an exemption for the very transaction that 12.6 taxes. Therefore, if this is any way possible, the Division in the near future will amend N.J.A.C. 18:24-12.5(a)6 after adoption of these rules to provide employer parameters and additional tests for the exclusion of the value of an employee meal from the definition of a taxable food and drink receipt. Another argument is that management fees, a guarantee of profit or cost reimbursement made by employers to food service operators are not subject to sales tax where a reasonable charge is made to the employee for the food and drink. The assessment of sales tax has been sustained where the price of food and drink to employees was discounted by a specified percentage and the employer paid the amount of discount. Therefore, the writer was told that the Division is adopting N.J.A.C. 18:24-12.6 as proposed, except for subsection(c) which will be marked "Reserved" for future use in this area of application of the Sales and Use Tax Act.

Full text of the adoption follows (additions to proposal shown in boldface with asterisks *thus*; deletions from proposal shown in brackets with asterisks *[thus]*).

SUBCHAPTER 12. RECEIPTS FROM THE SALE OF FOOD AND DRINK

18:24-12.1 Scope of subchapter

This subchapter will clarify the application of the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to the sale of food and non-alcoholic drink in or by restaurants, taverns or other establishments and caterers.

18:24-12.2 Definitions

The following words and terms when used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

"Food stores" shall mean any establishment which is principally engaged in selling food or drink which is not prepared and ready to be eaten. Supermarkets, grocery stores, fish markets, produce markets, bakeries and meat markets are examples of the types of establishments considered to be food stores. When a department within food stores makes sales of food or drink which are subject to tax, it must collect the tax. For purposes of these rules, stores which are principally engaged in selling food prepared and ready to be eaten are not food stores.

"For consumption off the premises" shall mean that the food or drink is intended by the customer to be consumed at a place away from the vendor's premises.

"For consumption on the premises" shall mean that the food or drink sold may be immediately consumed on the premises where the vendor conducts his business.

1. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

"Premises" shall mean the total space and facilities in or on which the vendor conducts his business, including, but not limited to, parking areas for the convenience of in-car consumption, counter space, indoor or outdoor tables, chairs, benches and similar convenience.

18:24-12.3 Receipts subject to sales tax

(a) Sales tax is imposed on the receipts, including any cover, minimum, entertainment or other charge, or the value of a coupon, from every sale of food and non-alcoholic drink of any nature sold in or by restaurants, taverns or other establishments in this State or by caterers:

ADOPTIONS

TREASURY-TAXATION

1. In all instances where the sale is for consumption on the premises where sold;

2. In those instances where the sale is for consumption off the premises of the vendor and consists of a meal, or of food prepared and ready to be eaten, including sandwiches and other food or drink, unless the food and drink, other than sandwiches, is sold in:

- i. An unheated state; and
- ii. The same form and condition, quantities and packaging commonly used by food stores not principally engaged in selling foods prepared and ready to be eaten.

(b) The following establishments, as well as other establishments engaged in the sale of food and drink for consumption on or off premises, are required to collect the tax:

Automats	Drive-In	Mobile Vending Operators
Cafes	Restaurants	Oyster and Clam Bars
Cafeterias	Fast Food	Pizzerias
Carry-Out	Operators	Restaurants
Restaurants	Hamburger and	Sandwich Bars and Shops
Caterers	Hot Dog Stands	Snack Bars
Chili Parlors	Ice Cream Stands	Soda Fountains
Dairy Bars	Lunch Bars,	Taverns, Grills and Bars
Delicatessens	Counters and	Wiener Restaurants
Diners	Rooms	
	Luncheonettes	

(c) The determination of whether food and drink is sold either in a heated or unheated state must be made according to the vendor's method of merchandising.

1. If the vendor attempts to maintain the food at a temperature which is warmer than the surrounding air temperature by using heating lamps, warming trays, ovens or similar units, or cooks to order, the vendor is selling food in a heated state.

2. If the vendor sells prepared food items from units maintained at or below surrounding air temperature, such sales are sales of prepared food in an unheated state.

Example: A food store sells potato salad by the pound and also sells hot pastrami by the pound for home consumption. The potato salad is not taxable but the pastrami is subject to tax.

Example: A supermarket sells barbecued chicken hot from a rotisserie to be taken home and eaten. This is a taxable sale of heated food.

3. Food sold in an unheated state is taxable when sold as sandwiches or as meals ready to be eaten when arranged on plates or platters as individual or multiple servings regardless of how the sales price is arrived at (pound versus serving).

4. Food or drink sold in an unheated state is not subject to tax when commonly sold in food stores in bulk, by weight, by the dozen (or part thereof) or by volume (gallon, quart, etc.) for off premises consumption.

i. The exemption for food or drink provided in this paragraph does not include any item classified as a candy or confectionary or carbonated soft drinks and beverages.

5. Sales of heated and unheated food in combination on plates or as dinners are subject to tax on the total charge.

Example: A supermarket sells and arranges cold cuts on platters for customers. The customer is charged by the pound for cold cuts. Sales of this type are taxable.

Example: A take-out establishment sells ten pieces of chicken, six rolls and one pound of potato salad as a meal for three persons and charges one price for the package. A sale of this type is taxable in full.

18:24-12.4 Sales through vending machines

Sales of food and drink through vending machines are

subject to sales tax. (See N.J.A.C. 18:24-16.1, et seq. and 18:24-17.1, et seq.)

18:24-12.5 Receipts exempt from sales tax

(a) The tax imposed on the sale of food and drink shall not apply to the following:

1. Alcoholic beverages;

2. Food and drink sold to an airline for consumption in flight;

3. Food or drink sold in an elementary or secondary school at a restaurant or cafeteria located on the premises of such schools;

4. Food or drink sold to an enrolled post secondary school student under the terms of a contractual agreement whereby the student does not pay cash when served. The sales may be made at a restaurant, tavern or other establishment on the premises of the school which is a post secondary school or in a fraternity, sorority or eating club operated in connection therewith;

Example: A student who has paid a semester charge for room and board or board alone has entered into a contractual arrangement for food and drink. The arrangement provides for a fixed number of meals over the duration of the contract, which are served in designated areas. The student is provided with identification, which entitles the student to be served meals. This plan qualifies for the exclusion.

5. Food or drink provided as all or part of a food service project funded by government or by private nonprofit organizations to certain elderly or disabled persons for:

i. Meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons.

ii. Meals prepared and served at a group sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons.

6. Food or drink provided by an employer to an employee as a convenience to the employer, and

i. The cost of the food or drink is not subject to Federal income tax;

ii. The meal is considered part of the employee's wages and is furnished as a cash substitute.

7. Food or drink included in the total charges made by a rest home, residential health care facility, nursing home and boarding home licensed by the Department of Health, Department of Human Services or the Department of Community Affairs to residents for board, shelter and care.

(b) See N.J.A.C. 18:24-9.12 regarding sales of food and drink to exempt organizations.

18:24-12.6 Subsidized employee cafeterias and food service operations

(a) An employer who by contract or otherwise engages a caterer or food service contractor to provide food and drink or service to employees at the employer's expense is the purchaser of food and drink subject to the sales tax.

Example: Employer E provides food and drink to his employees without charge. E contracts with a food service contractor F to prepare and serve the food and drink for a fee to be paid by E. The fee paid by E is subject to tax as a receipt from the sale of food and drink.

(b) Sales of food, drink or service to employees through a cafeteria on an employer's premises are subject to the sales tax, except as provided in N.J.A.C. 18:24-14.3(a)6.

Example: Employer E maintains a cafeteria or restaurant on his premises for the purpose of selling food and drink to his employees. The sale of the food and drink to the employees is taxable.

TREASURY-TAXATION

ADOPTIONS

(c) *[When the employer subsidizes the caterer or food service contractor, such subsidy, regardless of whether it is called a management fee, guarantee of profit or some other designation, is taxed as a receipt from the sale of food and drink.

Example: Caterer C agrees to charge employer E's employees a scheduled amount for each item of food and drink it sells to them. E agrees to pay caterer C an amount, in addition to the employees payments, which would guarantee a 12½ percent profit from the sales to the employees. The amount paid by E to the caterer is a taxable receipt from the sale of food and drink.

Example: Employer E enters into an agreement with caterer C. The agreement provides that C prepare, serve and sell food and drink to E's employees at a price mutually agreed to and, in addition, E will pay a subsidy to C for operating the facility. The subsidy will be in such an amount to allow C to make a profit on its sales of food and drink to the employees. However, if C's profit from the sale of food and drink exceeds a set figure, C and E will share the excess profit in an agreed apportionment. Irrespective of the profit sharing agreement, the subsidy paid by E is considered to be a receipt

from the sale of food and drink.]* **(Reserved)***

(d) If a subsidy is paid by an employer in addition to a specified amount paid by the employees, both amounts are taxed as the receipt from the sale of food and drink.

Example: Employer E will pay \$0.50 to a caterer for each sale of food and drink to E's employees. E's employees will pay any amount due which exceeds the \$0.50 paid by E. Both the amount paid by the employee and the \$0.50 paid by E are taxable receipts from the sale of food and drink.

(e) The caterer or food service contractor is a vendor required to collect the tax on receipts from either the employee, employer, or both.

18:24-12.7 Gratuities and service charges

(a) Any charge made to a customer is taxable as a receipt from the sale of food or drink unless:

1. The charge is separately stated on the bill or invoice given to the customer; and
2. The charge is specifically designated as a gratuity; and
3. All such monies received are paid over in total to employees.

MISCELLANEOUS NOTICES

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code

Notice of Petition for a Rule: N.J.A.C. 5:23-4.21

A Petition for a Rule has been submitted to the Division of Housing and Development by Middle Department Inspection Agency Inc., pursuant to N.J.S.A. 52:27D-124(i)(1) and N.J.A.C. 5:29.

Full text of the petition follows.

Middle Department Inspection Agency, Inc., a corporation of the State of New Jersey, whose principal place of business and address is Station House, 900 Haddon Avenue, Collingswood, New Jersey 08108 petitions the Division of Housing to amend N.J.A.C. 5:23-4.21 as follows:

(a) Authorization fee: Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.21 for approval as an inspection agency shall pay a fee of \$2,000 for each subcode for which authorization is sought. The total fee for an inplant agency application shall be \$500.00.

(b) Reauthorization Fee:

1. Any onsite inspection agency submitting an application to the Department under N.J.A.C. 5:23-4.21 for reapproval as an inspection agency shall pay a fee of \$1,000 for each subcode for which authorization is sought plus an amount equal to five percent of the gross revenue earned *and collected* from State Uniform Construction Code Enforcement activities during the previous 12-month period *pursuant to contracts where the uniform fee schedule provided by N.J.S.A. 52:27D-124(I)(2) was applied.*

2. The total fee for reauthorization of an inplant inspection agency shall be \$250.00.

The reasons for the request are as follows. With the enactment of Assembly Bill A-619 ("A-619") as Chapter 338 of the Laws of 1983 and the promulgation of regulations implementing that legislation, contracts between private onsite inspection and plan review agencies and municipalities for the performance of building, plumbing, electrical and fire protection inspections pursuant to the Uniform Construction Code were exempted from the ambit of the Local Public Contracts Law. A-619 was enacted to alleviate the problems created by requiring private agencies to bid for inspection contracts pursuant to the provisions of the Local Public Contracts Law. The bidding process had engendered severe competitive pressure as private inspection agencies entered into contracts with municipalities with minute profit margins.

A-619 also provided that fees charged by private agencies were to be identical to the rate charged by the Department of Community Affairs ("D.C.A.") when it serves as the local enforcement agency. This rate was generally much higher than the rates charged by private inspection agencies. As part and parcel of the legislation, the DCA was authorized by regulation (N.J.A.C. 5:23-4.21) to collect a fee of 5% of the gross revenues of private agencies seeking reapproval as an inspection agency. This 5% fee would generate a fund to

enable the DCA to hire additional field supervisors. In short, the private agencies were asked to accept a trade-off: increased "taxation" for increased revenues.

Shortly after N.J.A.C. 5:23-4.21 went into effect as amended, the DCA directed petitioner to charge the municipalities with whom it had contracts to provide inspection services according to the rates specified in those contracts and not in accordance with the uniform fee schedule which provides for higher rates. If petitioner had charged all municipalities according to the uniform fee schedule, its gross revenue would have greatly increased.

Notwithstanding its directive not to charge municipalities according to the uniform fee schedule, the DCA has assessed the 5% fee provided for by N.J.A.C. 5:23-4.21 on all revenues earned and expected to be earned by petitioner, not only on the revenues generated from contracts where the higher, uniform fee schedule rate was charged. In effect, the DCA has denied petitioner the benefits of A-619 while seeking to impose its burdens. Petitioner submits that the interpretation and implementation of N.J.A.C. 5:23-4.21 by the DCA is contrary to the policy and purpose of A-619.

The proposed amendments to N.J.A.C. 5:23-4.21 will further the policy of A-619. The 5% fee will be assessed only on revenue generated by contracts wherein the uniform fee schedule rate was applied. Part of the increased revenue generated by the application of the uniform fee schedule will be paid to the DCA to create the fund to hire additional personnel. This result was intended by the legislature. Moreover, the 5% fee will be assessed against revenue actually collected by the agencies. It violates fundamental principles of taxation to assess a tax on expected income rather than realized income. This aspect of the amendment merely reflects this basic principle.

Petitioner filed a Verified Complaint and Order to Show Cause in the Superior Court of New Jersey, Chancery Division, Mercer County on February 25, 1985 wherein it challenged the validity of N.J.A.C. 5:23-4.21 as interpreted and applied by the DCA. On February 25, 1985, the Honorable Paul G. Levy, J.S.C., entered an Order which, inter alia, "transferred (the matter) to the Department of Community Affairs for a hearing on the issues raised by the within application pursuant to N.J.S.A. 52:14B-4(f)." This petition is submitted in order to resolve the issues raised by petitioner in the Verified Complaint.

The petitioner is a private onsite inspection and plan review agency. Petitioner is regulated by the DCA. Petitioner must pay the fees provided by N.J.A.C. 5:23-4.21 in order to be reapproved as an inspection agency.

The Division of Housing is empowered to amend N.J.A.C. 5:23-4.21 by N.J.S.A. 52:27D-124(i)(1).

This Petition has been referred to the Bureau of Construction Code Enforcement for review and recommendation as to appropriate action to be taken.

Interested persons may submit written comments concerning this petition until July 3, 1985. Submissions and any inquiries about submissions should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, New Jersey 08625

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Amendment to the Sussex County Water Quality Management Plan

Public Notice

Take notice that Sussex County has submitted for approval an amendment to the Sussex County Water Quality Management (WQM). The Plan proposes the Sussex County Municipal Utilities Authority (SCMUA) sewer service area be expanded, the plant capacity be revised to 2.5 million gallons per day to accurately reflect existing conditions, the Sparta Township Sewerage Treatment Plant (STP) serving the Plaza area will be upgraded, and all existing STP's in Hamburg and Franklin Boroughs, Hardystown Township and the plant now serving the Vernon Valley recreation area, other than the Upper Walkkill Valley STP, be abandoned and the sewerage flow conveyed to the Upper Walkkill Valley STP.

This notice is being given to inform the public that a plan amendment has been developed for the Sussex County WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the Sussex County Water Quality Management Program, 57 High Street, Newton, N.J. 07860; and the NJDEP, Division of Water Resources, Bureau of Planning and Standards, 25 Arctic Parkway, CN 029, Trenton, N.J. 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M. Monday through Friday.

Interested persons may submit written comments on the amendment to the Sussex County Water Quality Management Program, at the address cited above; and to George Horzepa, Bureau of Planning and Standards, at the NJDEP address cited above.

The Sussex County Board of Chosen Freeholders will hold a **public meeting** on the Sussex County WQM plan amendment. The public meeting will be held on June 3, 1985 at 3:00 P.M. at the Freeholders meeting room, County Administration Building, 39 High Street, Newton, New Jersey.

All comments must be submitted within 30 days of the date of this public notice and the public meeting. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by the Sussex County Water Quality Management Agency staff with respect to the amendment request. In addition, if the amendment is adopted by Sussex County, the NJDEP must review the amendment prior to final adoption. The comments received in reply to this notice will also be considered by the NJDEP during its review.

HUMAN SERVICES

(b)

DIVISION OF PUBLIC WELFARE

Home Energy Assistance Handbook

Notice of Correction: N.J.A.C. 10:89-2.3

Take notice that an error appears in the New Jersey Administrative Code at 10:89-2.3(f)5ii concerning Income eligibility. The proposal for this rule was published in the August 15, 1983 New Jersey Register at 15 N.J.R. 1338(a) and the adoption notice was published in the October 17, 1983 Register at 15 N.J.R. 1768(c). Also, see adopted emergency amendment notice published in the November 19, 1984 Register at 16 N.J.R. 3217(a) and the readoption notice published in the February 4, 1985 Register at 17 N.J.R. 310(a).

N.J.A.C. 10:85-2.3 should read as follows.

10:89-2.3 Income eligibility

(a)-(e) (No change.)

(f) Income computation: Countable gross monthly earned and unearned income, as defined in (c) and (d) above, and verified in accordance with N.J.A.C. 10:89-4.1(d), shall be added to determine the household's total gross monthly income. Cents shall be rounded to the nearest dollar. If the household's total gross monthly income is equal to or less than the gross income limit for the household size, the household is income eligible for Home Energy Assistance.

1.-4. (No change.)

5. If a household member receives Social Security benefits and/or SSI the CWA must determine the countable income as follows:

i. (No change.)

ii. For individuals receiving SSI the CWA shall deduct the supplemental payment **amount** from the Tenants Lifeline Credit program which is included in the SSI check. The balance shall be considered as income to the household.

(g) (No change.)

TREASURY-GENERAL

(c)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments: May 15, 1985

MISCELLANEOUS NOTICES

TREASURY-GENERAL

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, prequalified New Jersey consulting firms. For information on DBC's prequalification and assignment procedures, call (609) 984-6979.

Last list dated April 16, 1985.

The following assignments have been made:

DBC No.	PROJECT	A/E	CCE
H814	Repairs Stairs & Columns Stockton State College Pomona, NJ	Pennoni Associates, Inc.	\$60,000.
C219	Construction Management Oversight Services Newark State Prison Newark, NJ	Tri-Tech Planning Consultants, Inc.	\$28,000. Services
F010	Facility Consultant Glassboro State College Glassboro, NJ	Borda Engineers	\$25,000. Services
F009	Facility Consultant Glassboro State College Glassboro, NJ	Harry A. Di Fazio, RA	\$25,000. Services
M600	Program Veterans Nursing Facility Addition Paramus, NJ	CUH2A	\$15,000. Program Services
C282	Septic System Study Wharton Unit Yardville Youth Reception & Correction Center	Long Engineering & Survey	\$2,000. Services
M630	Ventilation Improvements Forensic Psychiatric Hospital Trenton, NJ	J. M. Di Giacinto & Associates	\$17,000.
H765-01	Layout of Tideland Athletic Field Jersey City State College Jersey City, NJ	VEP Associates, Inc.	\$153,550.
T174	Salt Storage Buildings DOT Maintenance Facilities Ridgewood, Totowa, Mountainside	Thomas E. Torricelli, AIA	\$195,000.

F013	Facility Consultant Ramapo State College Mahwah, NJ	Goldberg Associates	\$12,500. Services
F014	Facility Consultant Ramapo State College Mahwah, NJ	Barrett Associates	\$12,500. Services
H808	Library Repainting Trenton State College Trenton, NJ	Malloy & Duffe	\$40,000.
H817	Walk & Roadway Improvements Kean College of NJ Union, NJ	Bernard R. Berson & Associates	\$40,000.
H921	Weatherstrip Doors & Insulate Attics Montclair State College Upper Montclair, NJ	Paulsen Associates	\$90,000.
T171	Installation of Oil Heaters/Instrumentation Central Boiler Plant Dept. of Transportation Trenton, NJ	Colm Engineers, PA	\$60,000.
M633	Demolition/Removal of Water Tower Vineland Developmental Center Vineland, NJ	Pennoni Associates, Inc.	\$40,000.
H790	Phase II Roof Replacement Stockton State College Pomona, NJ	Bernard De Annuntis & Associates	\$603,150.
Competitive Proposals			
		Bernard De Annuntis & Associates	5.97%
		Martin F. Blumberg, PA	6.41%
		Lammey & Giorgio, PA	7.10%
M628	Additions/Renovations to Two Training Centers Middlesex & Burlington Counties	Paulsen Associates	\$435,000.
Competitive Proposals			
		Paulsen Associates	7.80%
		Eugene F. O'Connor, AIA	12.12%
		Fulmer & Wolf, Architects	12.85%

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule changes proposed in this issue will be entered in the Index of the next Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the date of the latest update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the April 1, 1985 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to timely adopt a proposed rule requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1984 d.300 means the three hundredth rule adopted in 1984.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A number and date verifying the currency of rules found in each Title of the New Jersey Administrative Code: rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to quickly find the issue of publication of a rule proposal or adoption.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
16 N.J.R. 1295 and 1406	June 4, 1984	16 N.J.R. 3337 and 3518	December 17, 1984
16 N.J.R. 1407 and 1634	June 18, 1984	17 N.J.R. 1 and 140	January 7, 1985
16 N.J.R. 1635 and 1832	July 2, 1984	17 N.J.R. 141 and 236	January 21, 1985
16 N.J.R. 1833 and 2026	July 16, 1984	17 N.J.R. 237 and 338	February 4, 1985
16 N.J.R. 2027 and 2184	August 6, 1984	17 N.J.R. 339 and 502	February 19, 1985
16 N.J.R. 2185 and 2318	August 20, 1984	17 N.J.R. 503 and 634	March 4, 1985
16 N.J.R. 2319 and 2390	September 4, 1984	17 N.J.R. 635 and 762	March 18, 1985
16 N.J.R. 2391 and 2474	September 17, 1984	17 N.J.R. 763 and 858	April 1, 1985
16 N.J.R. 2475 and 2708	October 1, 1984	17 N.J.R. 859 and 1006	April 15, 1985
16 N.J.R. 2709 and 2864	October 15, 1984	17 N.J.R. 1007 and 1158	May 6, 1985
16 N.J.R. 2865 and 3066	November 5, 1984	17 N.J.R. 1159 and 1358	May 20, 1985
16 N.J.R. 3067 and 3240	November 19, 1984	17 N.J.R. 1359 and 1460	June 3, 1985
16 N.J.R. 3241 and 3336	December 3, 1984		

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE DOCUMENT ADOPTION NOTICE
(N.J.R. CITATION) NUMBER (N.J.R. CITATION)**

ADMINISTRATIVE LAW—TITLE 1

1:1, 1:2	Readopt General Hearing and Summary Proceedings rules	17 N.J.R. 2(a)	R.1985 d.292	17 N.J.R. 1403(a)
1:1-11.2, 11.3	Discovery and countervailing factors	17 N.J.R. 1008(a)		
1:10-17.1	Division of Public Welfare cases	16 N.J.R. 945(a)	Expired	
1:21	Trade secret claims	17 N.J.R. 1009(a)		

(TRANSMITTAL 11, dated March 18, 1985)

AGRICULTURE—TITLE 2

2:16-2	Seed certification standards	17 N.J.R. 636(a)	R.1985 d.278	17 N.J.R. 1403(b)
2:16-4	Field corn standards (commercial hybrids)	17 N.J.R. 638(a)	R.1985 d.277	17 N.J.R. 1404(a)
2:16-5	Sweetcorn standards (inbred lines)	17 N.J.R. 639(a)	R.1985 d.276	17 N.J.R. 1404(b)
2:16-6	Sweetcorn standards (single cross hybrids)	17 N.J.R. 639(b)	R.1985 d.275	17 N.J.R. 1404(c)
2:16-7	Small grain standards	17 N.J.R. 640(a)	R.1985 d.274	17 N.J.R. 1405(a)
2:16-9	Soybean standards	17 N.J.R. 641(a)	R.1985 d.273	17 N.J.R. 1405(b)
2:16-10	Vegetable standards	17 N.J.R. 641(b)	R.1985 d.272	17 N.J.R. 1405(c)
2:16-13	Turfgrass sod standards	17 N.J.R. 642(a)	R.1985 d.271	17 N.J.R. 1405(b)
2:16-15	Vegetatively propagated grass standards	17 N.J.R. 643(a)	R.1985 d.269	17 N.J.R. 1406(a)
2:16-16	Asparagus seed standards	17 N.J.R. 643(b)	R.1985 d.270	17 N.J.R. 1406(b)
2:16-17	Asparagus crown standards	17 N.J.R. 644(a)	R.1985 d.268	17 N.J.R. 1406(c)
2:16-19	Flatpea certification standards	17 N.J.R. 644(b)	R.1985 d.267	17 N.J.R. 1407(a)
2:24-1.1, 1.2	Disease of bees: repeal Acarine mite quarantine	17 N.J.R. 860(a)		
2:24-1.3, 1.4, 1.5	Bee diseases: Tracheal mite quarantine	Emergency	R.1985 d.197	17 N.J.R. 985(a)
2:52-2, 3, 4.1, 7	Readopt rules concerning milk processors, dealers and subdealers	17 N.J.R. 1011(a)		
2:52-2.1, 3.1	Sale of yogurt	17 N.J.R. 1012(a)		
2:53-4	Milk processors, dealers and subdealers	17 N.J.R. 1011(a)		
2:53-4.1	Sale of yogurt	17 N.J.R. 1012(a)		
2:69-1.11	Commercial values of fertilizers and soil conditioners	17 N.J.R. 764(a)	R.1985 d.266	17 N.J.R. 1407(b)
2:70-1	Liming materials: readopt fineness classification	17 N.J.R. 765(a)	R.1985 d.265	17 N.J.R. 1407(c)
2:71-2.2-2.7	Jersey Fresh Logo program	17 N.J.R. 765(b)	R.1985 d.282	17 N.J.R. 1407(d)
2:90-1	State Soil Conservation Committee: readopt General Provisions	17 N.J.R. 1160(a)		
2:90-2.24	Cost share rates for soil and water conservation projects	17 N.J.R. 861(a)		
2:90-3	Water conservation project cost sharing	17 N.J.R. 7(a)	R.1985 d.158	17 N.J.R. 807(a)
2:90-3.6	Soil and water conservation management problems	17 N.J.R. 861(b)		

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
BANKING—TITLE 3				
3:2-1	Readopt rules on Advertising by Financial Institutions	17 N.J.R. 238(a)	R.1985 d.183	17 N.J.R. 904(a)
3:22-1.1	Premium finance agreement			17 N.J.R. 990(a)
3:30-2.1	Savings associations and Federal reserve requirements	17 N.J.R. 142(a)	R.1985 d.172	17 N.J.R. 904(b)
(TRANSMITTAL 26, dated March 18, 1984)				
CIVIL SERVICE—TITLE 4				
4:1-6.8	Nondiscriminatory titles	17 N.J.R. 1012(b)		
4:1-12.12	Restorations to promotional lists	17 N.J.R. 645(a)		
4:1-12.15	Appointment of eligible certified	17 N.J.R. 10(a)	R.1985 d.227	17 N.J.R. 1257(a)
4:1-18.3	Compensation for holidays	16 N.J.R. 1421(a)		
4:1-21.3	Prohibition against political activity	17 N.J.R. 1013(a)		
4:2-6.1, 6.2	Nondiscriminatory titles	17 N.J.R. 1012(b)		
4:2-7.13	Ninth step salary maximum	17 N.J.R. 1014(a)		
4:2-18.1, 18.2, 18.3	Compensation for holidays	16 N.J.R. 1421(a)		
4:3-6.2, 6.3	Nondiscriminatory titles	17 N.J.R. 1012(b)		
4:3-14.1	Seasonal positions	17 N.J.R. 1015(a)		
(TRANSMITTAL 24, dated March 18, 1985)				
COMMUNITY AFFAIRS—TITLE 5				
5:18-1.1, 1.3, 1.4, 1.5, 2.4, 2.5, 2.7, 2.8, 2.12, 3.1, 3.2	Uniform Fire Code	17 N.J.R. 1015(b)		
5:18-1.1, 1.4, 1.5, 1.6, 2.3, 4	Uniform Fire Code, Fire Safety Code	17 N.J.R. 1161(a)		
5:18A-2.1—2.4, 2.6, 3.2, 3.3, 4.1, 4.3, 4.4	Fire Code Enforcement	17 N.J.R. 1015(b)		
5:18B-3.2	High Level Alarms	17 N.J.R. 1015(b)		
5:23-1.4, 2.14, 4.18, 4.20	Uniform Construction Code: annual permits	17 N.J.R. 1029(a)		
5:23-2.15, 2.21	UCC: engineers and architects	17 N.J.R. 645(b)		
5:23-2.15, 2.1	UCC: engineers and architects	17 N.J.R. 1033(a)		
5:23-2.15, 5.7	UCC: applying for construction permit; renewal of enforcement license	17 N.J.R. 1031(a)		
5:23-3.11, 4.22, 4.24, 4.25	Uniform Construction Code: premanufactured construction	17 N.J.R. 1169(a)		
5:23-3.14, 3.20	Building and mechanical subcodes	17 N.J.R. 239(a)	R.1985 d.154	17 N.J.R. 810(a)
5:23-3.14, 3.21	One and two-family dwelling construction subcode	17 N.J.R. 862(c)		
5:23-4.5	UCC: duties of construction officials	17 N.J.R. 340(a)	R.1985 d.232	17 N.J.R. 1257(b)
5:23-4.21, 5.4	UCC: private enforcing agency fees; trainees	17 N.J.R. 1032(a)		
5:23-5.4	UCC: private enforcing agencies and trainee positions	17 N.J.R. 341(a)	R.985 d.231	17 N.J.R. 1258(a)
5:23-8	Asbestos hazard abatement subcode	17 N.J.R. 767(a)		
5:27	Readopt rules on Rooming and Boarding Houses	17 N.J.R. 341(b)		
5:27-1.6	Rooming and boarding houses: owner and operator training	17 N.J.R. 777(a)		
5:28	Readopt State Housing Code	17 N.J.R. 1174(a)		
5:31-7.5	Local authorities: audit reports	17 N.J.R. 504(a)	R.1985 d.283	17 N.J.R. 1409(b)
5:71	Readopt County Offices on Aging rules	17 N.J.R. 342(a)	R.1985 d.176	17 N.J.R. 904(c)
5:80	Rules of the Housing and Mortgage Finance Agency	17 N.J.R. 505(a)	R.1985 d.241	17 N.J.R. 1258(b)
5:80-4	Housing and Mortgage Finance	17 N.J.R. 1174(b)		
5:80-17, 18	Housing and Mortgage Finance: prevailing wages; debarment from contracting	17 N.J.R. 1174(b)		
(TRANSMITTAL 28, dated March 18, 1985)				

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DEFENSE—TITLE 5A				
5A:2	Leaves of absence for members of National Guard	17 N.J.R. 646(a)	R.1985 d.242	17 N.J.R. 1267(a)
EDUCATION—TITLE 6				
6:3-1.2	Board of school estimate	17 N.J.R. 143(a)	R.1985 d.151	17 N.J.R. 811(a)
6:3-1.10	Standards for determining seniority	17 N.J.R. 1033(b)		
6:3-1.17, 1.23	School facility planning services	17 N.J.R. 650(a)		
6:8-6.2	Evaluation and certification of school districts	17 N.J.R. 143(b)	R.1985 d.149	17 N.J.R. 811(b)
6:20-3	Readopt rules on Tuition Public Schools	17 N.J.R. 144(a)	R.1985 d.157	17 N.J.R. 811(c)
6:20-5.3, 5.4	State facility pupil assignments: district of residence	17 N.J.R. 344(a)	R.1985 d.208	17 N.J.R. 1076(a)
6:20-5.5	Asbestos removal and encapsulation reimbursement	17 N.J.R. 863(a)		
6:20-6	Readopt rules on Purchase and Loan of Textbooks	17 N.J.R. 148(a)	R.1985 d.150	17 N.J.R. 814(a)
6:21-5	Standards for school buses	17 N.J.R. 1035(a)		
6:22	School facility planning services	17 N.J.R. 650(a)		
6:28-3.2, 3.6, 6.1, 6.3, 8.3	Special Education	17 N.J.R. 345(a)	R.1985 d.209	17 N.J.R. 1077(a)
6:29-6.4	Athletics procedures	17 N.J.R. 659(a)	R.1985 d.281	17 N.J.R. 1410(a)
6:29-7.1	Readopt Family Life Education Programs	16 N.J.R. 3377(a)	R.1985 d.185	17 N.J.R. 906(a)
6:68-2	Library assistance: readopt Incentive Grant Program rules	17 N.J.R. 346(a)	R.1985 d.207	17 N.J.R. 1078(a)

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ENVIRONMENTAL PROTECTION—TITLE 7

7:1C-1	90-day construction permits	16 N.J.R. 3243(a)		
7:1E	Readopt rules on Discharges of Petroleum and Other Hazardous Substances	17 N.J.R. 865(a)		
7:1F	Industrial Survey Project rules: waiver of Executive Order No. 66	17 N.J.R. 866(a)		
7:1F	Industrial Survey Project rules: new expiration date	_____	_____	17 N.J.R. 1139(b)
7:1G	Right to Know Act: Federal district court ruling	_____	_____	17 N.J.R. 1139(c)
7:2-2.14, 3.4, 3.5	Use of State Park lands	17 N.J.R. 778(a)		
7:2-12	Open lands management	17 N.J.R. 866(b)		
7:7E-7.2	Correction to Administrative Code: Coastal Resource and Development Policies	_____	_____	17 N.J.R. 1140(a)
7:7F-1, 3	Shore Protection Program; local government grants	16 N.J.R. 2881(a)	R.1985 d.184	17 N.J.R. 907(a)
7:9-4, 5	Surface water quality and treatment of wastewater discharges	16 N.J.R. 3080(a)	R.1985 d.249	17 N.J.R. 1270(a)
7:11-2.3, 2.5, 2.8-2.12	Delaware and Raritan Canal water supply system	17 N.J.R. 11(a)		
7:12-1.3, 1.4	Shellfish-growing water classifications	17 N.J.R. 661(a)	R.1985 d.290	17 N.J.R. 1412(a)
7:13-1.11(c)27	Floodways along Pequest River in Sussex and Warren counties	16 N.J.R. 1306(a)	R.1985 d.218	17 N.J.R. 1080(a)
7:13-1.11(d)49	Floodway delineations in Union County	16 N.J.R. 1146(a)	Expired	
7:13-1.11(d)51	Floodways along North Branch Raritan (Project U)	16 N.J.R. 1307(a)		
7:13-7.1(c)17	Redelineation of Delaware River in Harmony Township, Warren County	17 N.J.R. 151(a)		
7:13-7.1(c)30	Floodway delineation along Paulins Kill	16 N.J.R. 2397(a)	R.1985 d.217	17 N.J.R. 1080(b)
7:13-7.1	Paulins Kill floodway delineation: public hearing	16 N.J.R. 2885(a)		
7:13-7.1(d)50	Floodway delineation along North Branch Foulerton's Brook	16 N.J.R. 2398(a)		
7:13-7.1(h)	Floodway delineations in Hackensack Basin	17 N.J.R. 1175(a)		

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7:13-7.1(i)	Floodway delineations in Central Passaic Basin (Projects G and R)	17 N.J.R. 1176(a)		
7:14A-1.8	Fee schedule for NJPDES permits and applicants	17 N.J.R. 13(a)		
7:19-5	Small water company takeover	16 N.J.R. 3380(a)	R.1985 d.182	17 N.J.R. 910(a)
7:20	Dam Safety Standards	16 N.J.R. 790(a)	R.1985 d.214	17 N.J.R. 1081(a)
7:25-2	Readopt rules on Use of Land and Water Areas under DEP control	16 N.J.R. 1309(a)		
7:25-4.2, 4.14, 4.17	Possession of endangered and nongame species	17 N.J.R. 516(a)	R.1985 d.251	17 N.J.R. 1289(a)
7:25-4.13, 4.17	Status of the osprey	17 N.J.R. 350(a)	R.1985 d.215	17 N.J.R. 1091(a)
7:25-5	1985-86 Game Code	17 N.J.R. 1177(a)		
7:25-7.10, 7.11	Taking of oysters and mussels	16 N.J.R. 3385(a)		
7:25-12.1	Increase of sea clam quota			17 N.J.R. 990(b)
7:25-12.1	Close of sea clam season			17 N.J.R. 1142(a)
7:25-16.1	Readopt freshwater fishing license lines	16 N.J.R. 2044(a)		
7:25-18	Readopt Marine Fisheries rules	17 N.J.R. 1188(a)		
7:25-18.5	Marine fisheries: general net rules	Emergency	R.1985 d.240	17 N.J.R. 1334(a)
7:25-22.2	Purse seine fishing of menhaden	16 N.J.R. 1668(a)		
7:25-23	Permit to kill wild deer	17 N.J.R. 350(b)	R.1985 d.250	17 N.J.R. 1289(b)
7:25A	Oyster management	17 N.J.R. 352(a)	R.1985 d.216	17 N.J.R. 1092(a)
7:26	Solid and hazardous waste collector-haulers: Disclosure Statement Forms	16 N.J.R. 1425(a)		
7:26-1.7	Waste management: on-site disposal of construction debris	17 N.J.R. 1040(a)		
7:26-3	Waste management: readopt Collection and Haulage rules	17 N.J.R. 1041(a)		
7:26-6.5	Solid waste flow: Atlantic County	17 N.J.R. 517(a)		
7:26-6.5	Solid waste flow: Hunterdon County	17 N.J.R. 517(b)		
7:26-7.4, 8.3, 8.15, 9.2, 10.6, 10.8	Restriction of land disposal of hazardous waste	17 N.J.R. 779(a)		
7:26-8.13, 8.16	Hazardous waste from non-specific sources; hazardous constituents	17 N.J.R. 354(a)	R.1985 d.248	17 N.J.R. 1290(a)
7:26-8.13	Correction: Hazardous waste from non-specific sources			17 N.J.R. 842(b)
7:26-8.15	Hazardous waste management: warfarin and zinc phosphide	17 N.J.R. 356(a)		
7:26-9.10, 9.11, App. A.	Hazardous waste facilities: closure letters of credit	17 N.J.R. 241(a)	R.1985 d.247	17 N.J.R. 1291(a)
7:26-10.5	Tank storage containment requirements	17 N.J.R. 152(a)		
7:26-14	Resource Recovery grants and loans	16 N.J.R. 3385(b)		
7:26-14	Resource recovery grants and loans: extension of comment period	17 N.J.R. 242(a)		
7:26-16.4	Solid and hazardous waste: transporters and facilities	17 N.J.R. 518(a)		
7:27	Air quality standards: State Implementation Plan for lead	16 N.J.R. 1669(a)		
7:27-13.1, 13.2, 13.5-13.8	Ambient air quality standards	16 N.J.R. 1676(a)	R.1985 d.252	17 N.J.R. 1292(a)
7:27-14.3	Diesel-powered motor vehicles: idle standard	16 N.J.R. 2887		
7:27-15.4	Air pollution and gas-fueled motor vehicles	17 N.J.R. 781(a)		
7:27-15.6	Gas-fueled motor vehicle: idle standard	16 N.J.R. 2889		
7:27B-4.6	Air pollution and gas-fueled motor vehicles	17 N.J.R. 781(a)		
7:29-1.1-1.5	Noise control: extension of comment period	16 N.J.R. 2405(a)		
7:30	Pesticide Control Code	17 N.J.R. 242(b)		
7:36	Green Acres Program	16 N.J.R. 2405(b)		

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HEALTH—TITLE 8				
8:19	Readopt Newborn Hearing Screening rules	17 N.J.R. 869(a)		
8:21A	Good drug manufacturing practices	16 N.J.R. 3248(a)	R.1985 d.141	17 N.J.R. 815(a)
8:21A-2.55	Drug manufacturing: medical gas lot or control numbers	16 N.J.R. 1685(a)		
8:31-26.3, 26.4	Health care facilities: employee physicals; child abuse	16 N.J.R. 3249(a)		
8:31-26.5	Health care facilities: licensure fees	17 N.J.R. 664(a)		
8:31B-2, 3, 4	Hospital Rate Setting rules: temporary waiver of expiration	16 N.J.R. 2733(a)		
8:31B-3.19	RIM methodology for nursing cost allocation: implementation date	16 N.J.R. 2848(b)		
8:31B-3.23	Correction: Hospital reimbursement	16 N.J.R. 2733(b)		
8:31B-3.26, App. II	Hospital reimbursement: economic factor	17 N.J.R. 153(a)	R.1985 d.189	17 N.J.R. 914(a)
8:31B-3.72	Hospital reimbursement: periodic rate adjustments	17 N.J.R. 872(a)		
8:31B-3.79	Hospital reimbursement: post-acute care patients	17 N.J.R. 873(a)		
8:33	Certificate of Need application and review process	17 N.J.R. 1190(a)		
8:33A-1.1	New and expanded surgical services: deferral of need applications	16 N.J.R. 2734(a)		
8:33A-2	Surgical facilities: planning and need review	17 N.J.R. 154(a)	R.1985 d.188	17 N.J.R. 915(a)
8:33E-2.1-2.5, 2.10, 2.12, 2.13	Cardiac surgical centers: need review	16 N.J.R. 2196(a)		
8:33F-1.4	Renal disease services: acute hemodialysis standards	17 N.J.R. 874(a)		
8:33G-1	Computerized tomography services	17 N.J.R. 1214(a)		
8:33H	Long-Term Care Facilities and Services: readopt Certificate of Need rules	17 N.J.R. 1216(a)		
8:40	Licensure of invalid coach and ambulance services	16 N.J.R. 3127(a)	R.1985 d.192	17 N.J.R. 919(a)
8:43-4	Residential Health Care Facilities: readopt Administration rules	17 N.J.R. 1231(a)		
8:43A	Licensure of ambulatory care facilities	16 N.J.R. 3254(a)		
8:43B-1.14	Hospital facilities: psychiatric patient rights	17 N.J.R. 665(a)		
8:43B-8.33-8.44	Newborn care services: physical plant standards	17 N.J.R. 519(a)		
8:43E-1	Hospital Policy Manual: Certificate of Need rules	17 N.J.R. 1220(a)		
8:45	Clinical laboratory services	17 N.J.R. 268(a)	R.1985 d.243	17 N.J.R. 1294(a)
8:57-1	Readopt Reportable Diseases rules	17 N.J.R. 784(a)		
8:57-4.15	Immunization of school children: mumps vaccine	17 N.J.R. 358(a)	R.1985 d.264	17 N.J.R. 1414(a)
8:57-4.16	Emergency Powers of Commissioner	17 N.J.R. 483(a)	R.1985 d.195	17 N.J.R. 955(a)
8:60-1-5, 7	Asbestos licenses and permits	17 N.J.R. 788(a)		
8:60-2, 6	Asbestos training courses	17 N.J.R. 741(a)	R.1985 d.262	17 N.J.R. 1417(b)
8:65-5	Controlled dangerous substances: records and reports of registrants	17 N.J.R. 524(a)		
8:65-6	Controlled dangerous substances: Federally-required order forms	17 N.J.R. 528(a)		
8:65-7.3	Controlled dangerous substances: issuing of prescriptions	17 N.J.R. 876(a)		
8:65-10.4	Controlled dangerous substances: add Triazolam to Schedule IV	16 N.J.R. 2901(a)	R.1985 d.191	17 N.J.R. 956(a)
8:65-10.4	Controlled dangerous substances: additions to Schedule IV	16 N.J.R. 3390(a)	R.1985 d.190	17 N.J.R. 957(a)
8:65-10.5	Reschedule Buphenorphine to Schedule V	17 N.J.R. 1234(a)		
8:65-11.2	Narcotic treatment programs: registration fee	17 N.J.R. 359(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
8:71	Generic drug list additions (see 16 N.J.R. 2672(b), 17 N.J.R. 200(b), 957(b))	16 N.J.R. 1436(a)	R.1985 d.235	17 N.J.R. 1296(a)
8:71	Generic drug list additions (see 17 N.J.R. 201(a), 957(c))	16 N.J.R. 2483(a)	R.1985 d.236	17 N.J.R. 1296(b)
8:71	Additions to generic drug list	17 N.J.R. 158(a)	R.1985 d.234	17 N.J.R. 1295(a)
8:71	Generic drug list additions	17 N.J.R. 1043(a)		

(TRANSMITTAL 26, dated March 18, 1985)

HIGHER EDUCATION—TITLE 9

9:2-1, 2, 3, 8, 9	Repeal (See 9:6)	16 N.J.R. 2209(a)	R.1985 d.244	17 N.J.R. 1296(c)
9:2-4, 5, 6, 7, 12, 13	Readopt Administrative Policies for colleges and universities	16 N.J.R. 2216(a)		
9:2-11	Recodify as 9:7-7	16 N.J.R. 2218(a)		
9:2-12.2	Teacher education: curriculum	17 N.J.R. 22(b)		
9:6	State College: policies and standards	16 N.J.R. 2209(a)	R.1985 d.244	17 N.J.R. 1296(c)
9:6-1.2, 3.1, 3.4, 3.5, 3.6, 3.11, 4.4, 4.7, 5.2, 5.13	State Colleges: policies and standards	17 N.J.R. 160(a)	R.1985 d.244	17 N.J.R. 1296(c)
9:7-2.4, 2.9	Student assistance programs: eligibility; award combinations	17 N.J.R. 787(a)		
9:7-3.1	Tuition Aid Grant Award Tables	17 N.J.R. 23(a)	R. 1985 d.155	17 N.J.R. 815(b)
9:7-4.1, 4.7, 4.8	Distinguished Scholars Program	17 N.J.R. 787(b)		
9:7-4.2	Garden State Scholars: award amounts	16 N.J.R. 3281(a)	R. 1985 d.153	17 N.J.R. 816(a)
9:7-5.1, 5.4, 5.10	Public Tuition Benefits Program	17 N.J.R. 24(a)	R. 1985 d.156	17 N.J.R. 816(b)
9:7-7	Readopt Veteran's Tuition Credit Program	16 N.J.R. 2218(a)		
9:9-1.6	Student loan applications: prohibited fee	16 N.J.R. 3281(b)		
9:9-1.16	Defaulted student loans: interest liability	16 N.J.R. 1012(a)	Expired	
9:9-9.2	PLUS Program: direct loan prerequisites	16 N.J.R. 1012(b)	Expired	
9:14	Readopt Independent College and University Assistance rules	17 N.J.R. 25(a)	R.1985 d.245	17 N.J.R. 1303(a)

(TRANSMITTAL 24, dated December 17, 1984)

HUMAN SERVICES—TITLE 10

10:44A-1.1-1.5, 2.2, 2.4, 3.1, 3.3, 4.3, 5.2, 9	Community residences for developmentally disabled; Supportive Living Programs	16 N.J.R. 1438(a)	R.1985 d.258	17 N.J.R. 1304(a)
10:44B	Skill development homes and family-based respite care homes	17 N.J.R. 359(b)	R.1985 d.181	17 N.J.R. 958(a)
10:47	Private Licensed Facilities for Developmentally Disabled	16 N.J.R. 2902(a)		
10:48	Division of Mental Retardation: appeal procedures	17 N.J.R. 876(b)		
10:49-1	Administration Manual: readopt General Provisions	17 N.J.R. 532(a)	R.1985 d.246	17 N.J.R. 1307(a)
10:49-1.1	Medicaid eligibility	16 N.J.R. 2219(a)		
10:49-1.4	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:49-1.27	Long-term care facilities: completion of field audit	16 N.J.R. 2413(a)	R.1985 d.177	17 N.J.R. 966(a)
10:51-1.13, 1.14, 3.12, App. A	Pharmaceutical services: "vaccine" reimbursement	17 N.J.R. 1237(a)		
10:51-1.17, 3.15	Pharmaceutical services: dispensing fee and capitation rates	17 N.J.R. 1044(a)		
10:52-1.1, 1.20	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:52-1.21	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:53-1.1, 1.16	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:53-2	Special Hospital Services: admission and billing	17 N.J.R. 544(a)	R.1985 d.257	17 N.J.R. 1317(a)
10:54-3	Procedure Code Manual: immunizations	17 N.J.R. 546(a)	R.1985 d.211	17 N.J.R. 1094(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
10:55-1	Prosthetic and orthotic services	17 N.J.R. 26(a)	R.1985 d.152	17 N.J.R. 817(a)
10:55-1.5, 1.8, 3.1	Shoes and shoe appliances: provider reimbursement	17 N.J.R. 162(a)	R.1985 d.167	17 N.J.R. 967(a)
10:59-1.2, 1.4, 1.9, 1.12	Medical Supplier Manual: recycling of durable medical equipment	16 N.J.R. 2048(a)		
10:60	Readopt Home Care Services Manual	17 N.J.R. 28(a)		
10:60-4	Community Care Waiver Program for Elderly and Disabled	16 N.J.R. 3161(a)	R.1985 d.263	17 N.J.R. 1415(a)
10:61-1.2	Medicaid participation by State, county and municipal labs	16 N.J.R. 3162(a)	R.1985 d.237	17 N.J.R. 1318(a)
10:63-1.6	Changes in level of long-term care	16 N.J.R. 2049(a)		
10:63-1.22	Long-term care facilities: completion of field audit	16 N.J.R. 2413(a)	R.1985 d.177	17 N.J.R. 966(a)
10:66-1.1, 1.2, 1.3, 1.6, 1.7, 1.9	Ambulatory surgical centers	16 N.J.R. 3153(a)		
10:66-1.2, 1.6, 3.3	Narcotic and drug abuse treatment centers	17 N.J.R. 1235(a)		
10:69A-1.2, 2.1, 5.3, 5.6, 6.1, 6.4, 6.6, 6.10, 6.11	Pharmaceutical Assistance for Aged and Disabled	17 N.J.R. 367(a)	R.1985 d.259	17 N.J.R. 1318(b)
10:81-3.27	PAM: transmission of data to receiving county	17 N.J.R. 878(a)		
10:81-3.34	PAM: temporary absence of children from home	17 N.J.R. 163(a)		
10:81-11.1, 11.4, 11.12	PAM: continuing IV-D services for families that lose AFDC	17 N.J.R. 164(a)	R.1985 d.210	17 N.J.R. 1094(b)
10:81-11.7, 11.9	PAM: child support and health benefits	17 N.J.R. 165(a)	R.1985 d.219	17 N.J.R. 1095(a)
10:81-11.9	PAM: reimbursement by counties to State	17 N.J.R. 369(a)		
10:81-11.18	PAM: weekly second family adjustment	17 N.J.R. 879(a)		
10:81-11.19	PAM: distribution of arrearage payments for child support	17 N.J.R. 1238(a)		
10:82-1.2, 2.13, 3.11, 5.11	ASH: AFDC payment standards	17 N.J.R. 880(a)		
10:82-2.2	ASH: initial grant computation	17 N.J.R. 546(b)		
10:82-2.19	ASH: recovery of overpayments	16 N.J.R. 2055(a)		
10:82-2.19, 3.2	Correction to Administrative Code: Assistance Standards Handbook	_____	_____	17 N.J.R. 1143(b)
10:82-4.11, 4.12	ASH: income from apartments, rooms, or housekeeping units	17 N.J.R. 1045(a)		
10:85-3.1	GAM: household size	17 N.J.R. 37(a)	R.1985 d.168	17 N.J.R. 968(a)
10:85-3.2	GAM: determination of unemployability	17 N.J.R. 547(a)		
10:85-3.2, 10.6	GAM: willingness to work and penalty period	16 N.J.R. 2741(a)		
10:85-3.3	GAM: monthly assistance payment for residential health care	16 N.J.R. 2742(a)		
10:85-3.3	General Assistance rate in residential health care facilities	_____	_____	17 N.J.R. 485(c)
10:85-3.4	GAM: suits and claims	17 N.J.R. 548(a)		
10:85-4.1, 9.4	General Assistance payment levels	17 N.J.R. 882(a)		
10:85-5.2	Correction to Administrative Code: General Assistance Manual	17 N.J.R. 1339(b)		
10:87-1.14	Food Stamps: release of case file information	17 N.J.R. 166(a)	R.1985 d.179	17 N.J.R. 968(b)
10:87-2.16, 2.17, 8.2	Food Stamps: quality control case review	17 N.J.R. 167(a)	R.1985 d.180	17 N.J.R. 969(a)
10:87-2.19, 3.17-3.20	Food Stamp Program: work registration and voluntary quit		R.1985 d.145	17 N.J.R. 818(a)
10:87-2.21, 2.24, 2.28, 2.31, 2.35, 9.7, 11.29	Food Stamp Program revisions	17 N.J.R. 883(a)		
10:87-5.7	Food Stamp Program: treatment of moneys used to repay overpayments	Emergency	R.1985 d.178	17 N.J.R. 986(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
10:90-4.8	Correction to Administrative Code: Monthly Reporting Policy Handbook	_____	_____	17 N.J.R. 1143(c)
10:94-3.16	Medicaid district offices	17 N.J.R. 38(a)	R.1985 d.291	17 N.J.R. 1416(a)
10:94-5.6	Medicaid Only: health insurance premiums	17 N.J.R. 39(a)	R.1985 d.169	17 N.J.R. 969(b)
10:122-2.3, 2.6 3.2, 3.3, 4.1, 4.3, 4.6, 6.8, 6.9	Child care centers	17 N.J.R. 548(b)		
10:129-2	Confidentiality of child abuse records	17 N.J.R. 885(a)		
(TRANSMITTAL 27, dated March 18, 1985)				
CORRECTIONS—TITLE 10A				
10A:71	State Parole Board rules	16 N.J.R. 3391(a)	R.1985 d.213	17 N.J.R. 1096(a)
(TRANSMITTAL 10, dated March 18, 1985)				
INSURANCE—TITLE 11				
11:1-2.5-2.8	Property-liability: rate counsel participation	16 N.J.R. 2918(a)		
11:1-16	Request for rate decrease	16 N.J.R. 3169(a)		
11:1-18	Approval of business names	17 N.J.R. 41(a)		
11:1-19	Uniform registration of branch offices	17 N.J.R. 42(a)		
11:2-19	Approval of insurance schools and company training programs	16 N.J.R. 2920(b)		
11:2-20	License renewal: continuing education requirement	16 N.J.R. 2922(a)		
11:2-21	Property and casualty coverage: underwriting guidelines	16 N.J.R. 2924(a)		
11:2-23	Advertisement of life insurance and annuities	16 N.J.R. 2926(a)		
11:3-7	Automobile Reparation Reform Act rules: 90-day waiver of expiration	16 N.J.R. 2414(a)		
11:3-7	Automobile Reparation Reform Act rules	16 N.J.R. 3417(a)		
11:3-8	Nonrenewal of auto insurance policies	16 N.J.R. 2930(a)		
11:3-10	Auto physical damage claims	16 N.J.R. 3170(a)		
11:3-16	Private passenger automobile rate filings	16 N.J.R. 2934(a)		
11:3-17	Automobile rate filings	16 N.J.R. 2936(a)		
11:3-18	Filing review procedures	16 N.J.R. 2937(a)		
11:3-20	Reporting excess profits	17 N.J.R. 370(a)		
11:3-21	Reduced PIP premium charges	16 N.J.R. 3286(a)		
11:4-2	Replacement of life insurance and annuities	17 N.J.R. 887(a)		
11:4-9	Annuity and deposit fund disclosure	16 N.J.R. 2939(a)		
11:4-16, 17, 18	Readopt health insurance standards	17 N.J.R. 554(a)	R.1985 d.221	17 N.J.R. 1129(a)
11:4-20	Insuring of handicapped	17 N.J.R. 168(a)	R.1985 d.161	17 N.J.R. 820(a)
11:4-21	Readopt Limited Death Benefit Forms	17 N.J.R. 891(a)		
11:4-25	Social security disability offset	16 N.J.R. 3287(a)		
11:5-1.15, 1.25	Advertising of real estate; sale of interstate property	17 N.J.R. 666(a)		
11:5-1.19	Real estate branch offices	16 N.J.R. 2228(a)	R.1985 d.187	17 N.J.R. 970(a)
11:5-1.24	Closing or transfer of real estate brokerage	16 N.J.R. 2228(b)	R.1985 d.186	17 N.J.R. 970(b)
11:5-1.28	Approved real estate schools: requirements	17 N.J.R. 376(a)		
11:10-1	Dental plan organizations	16 N.J.R. 2230(a)		
11:10-2	Employees' dental benefit plans	17 N.J.R. 45(a)	R.1985 d.220	17 N.J.R. 1129(b)
11:14-1.3, 2.1, 2.4, 3.1, 3.3, 4.1, 4.2	Auto body repair facilities	16 N.J.R. 2235(a)		
11:16	Provider verification of services	17 N.J.R. 47(a)		
11:17-1	Surplus lines insurance guaranty fund surcharge	17 N.J.R. 1045(b)		
(TRANSMITTAL 27, dated March 18, 1985)				
LABOR—TITLE 12				
12:15-1.1	Unemployment Compensation: contributions, records and reports	16 N.J.R. 2488(b)		
12:16	Contributions, records, reports	16 N.J.R. 2488(b)	R.1985 d.147	17 N.J.R. 820(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
12:19	Contributions, records, reports	16 N.J.R. 2488(b)	R.1985 d.147	17 N.J.R. 820(b)
12:35	Readopt Workfare rules	17 N.J.R. 1048(a)		
12:120-1-5, 7	Asbestos licenses and permits	17 N.J.R. 788(a)		
12:120-2, 6	Asbestos training courses	17 N.J.R. 741(a)	R.1985 d.262	17 N.J.R. 1417(b)
(TRANSMITTAL 19, dated December 17, 1984)				
COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A				
12A	Departmental rules; small business set-aside contracts	16 N.J.R. 1955(a)	R.1984 d.421	16 N.J.R. 2683(a)
LAW AND PUBLIC SAFETY—TITLE 13				
13:1-4.6	Police Training Commission: radar instructor certification	17 N.J.R. 377(a)	R.1985 d.226	17 N.J.R. 1130(a)
13:1-5.1, 6.1, 8.1	Police officer training and certification	17 N.J.R. 1239(a)		
13:2-4	ABC: readopt rules on Issuance or Transfer of Municipal Retail Licenses	17 N.J.R. 1052(a)		
13:2-20	ABC: readopt rules on Transportation by Licensees; Transit Insignia	17 N.J.R. 1054(a)		
13:2-23.16, -24, -35	ABC preproposal: industry marketing and sales practices	16 N.J.R. 3292(a)		
13:2-33	ABC: readopt Brand Registration rules	17 N.J.R. 794(a)	R.1985 d.279	17 N.J.R. 1423(a)
13:3-3.5, 3.6, 7.9	Amusement games control	17 N.J.R. 1058(a)		
13:13	Discrimination against handicapped persons	17 N.J.R. 671(a)		
13:18-6.1	DMV: notification of liability coverage termination	16 N.J.R. 3174(a)	R.1985 d.162	17 N.J.R. 831(a)
13:19-13.1, 13.2, 13.3	Motor vehicle insurance surcharges	17 N.J.R. 893(a)		
13:20-26.5, 26.12, 26.16	State inspection of certain trucks and truck tractors	17 N.J.R. 270(a)	R.1985 d.174	17 N.J.R. 971(a)
13:20-28	Readopt rules on Inspection of New Motor Vehicles	17 N.J.R. 1059(a)		
13:20-32.16	Motor vehicle reinspection centers	17 N.J.R. 676(a)		
13:20-33.6	Glazing inspection standards for motor vehicles	17 N.J.R. 894(a)		
13:21-1.3, 1.4, 1.5	Driver's licenses and social security numbers	16 N.J.R. 2746(a)		
13:21-4	Readopt rules on Motor Vehicle Titles	17 N.J.R. 377(b)	R.1985 d.200	17 N.J.R. 1131(a)
13:21-14	Readopt rules on licensing of bus drivers	17 N.J.R. 556(a)	R.1985 d.205	17 N.J.R. 1131(b)
13:21-15.6	Auto dealers: acceptance of altered title documents	17 N.J.R. 169(a)		
13:27-8	Certified landscape architects	17 N.J.R. 169(b)	R.1985 d.163	17 N.J.R. 833(a)
13:28-2	Readopt rules on Beauty Culture Schools	17 N.J.R. 172(a)	R.1985 d.160	17 N.J.R. 835(a)
13:29-1.1-1.6, 1.8-1.12	Board of Accountancy general rules	17 N.J.R. 557(a)	R.1985 d.287	17 N.J.R. 1424(a)
13:29-2.1, 2.2, 2.3	Registered municipal accountants	17 N.J.R. 559(a)	R.1985 d.286	17 N.J.R. 1426(a)
13:30-8	Readopted Board of Dentistry general provisions	17 N.J.R. 378(a)	R.1985 d.196	17 N.J.R. 972(a)
13:30-8.1	Board of Dentistry: fee schedule	17 N.J.R. 378(a)		
13:30-8.4, 8.6	Dentistry: specialty practice; professional advertising	17 N.J.R. 378(a)	R.1985 d.253	17 N.J.R. 1320(a)
13:35-2.15	Physician-nurse anesthetist standards	17 N.J.R. 796(a)		
13:35-3.1-3.4	Licensing of medical practitioners	17 N.J.R. 561(a)	R.1985 d.224	17 N.J.R. 1131(c)
13:35-6.4	Pre-proposal: professional conduct of Medical Board licensees	17 N.J.R. 894(b)		
13:35-6.13	Medical examiners board: fee schedule	17 N.J.R. 562(a)	R.1985 d.223	17 N.J.R. 1132(a)
13:35-6.14	Therapeutic treatment by unlicensed medical aides	16 N.J.R. 2065(a)	R.1985 d.159	17 N.J.R. 836(a)
13:36-1.6	Mortuary Board fees and charges	17 N.J.R. 50(a)	R.1985 d.175	17 N.J.R. 973(a)
13:36-2.10, 2.12, 4.4, 4.13, 5.1, 5.6, 5.9, 6.8, 7.1, 7.2	Mortuary science rules	17 N.J.R. 797(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
13:37-1	Programs in nursing education	17 N.J.R. 51(a)	R.1985 d.285	17 N.J.R. 1426(b)
13:38-3.2	Board of Optometrists: reexamination	17 N.J.R. 677(a)		
13:38-5.1	Board of Optometrists: fee schedule	17 N.J.R. 677(a)	R.1985 d.254	17 N.J.R. 1323(a)
13:40-3.2, 4.1, 5.1	Professional engineers and land surveyors: Board rules	17 N.J.R. 799(a)		
13:40-8	Engineers and land surveyors: release of project records	16 N.J.R. 1027(a)	R.1985 d.225	17 N.J.R. 1133(a)
13:40-9	Supervision of engineering and land surveying projects	16 N.J.R. 2067(b)	R.1985 d.222	17 N.J.R. 1134(a)
13:41-1	Board of Professional Planners: readopt Seal rules	17 N.J.R. 1060(a)		
13:41-3.2	Board of Professional Planners: fee schedule	17 N.J.R. 1061(a)		
13:41-4	Board of Professional Planners: readopt preparation of site plan rules	17 N.J.R. 1240(a)		
13:42-1.5	Psychological Board licensees: notification of current address	17 N.J.R. 896(a)		
13:43-3.4	Certified Shorthand Reporting exam: conditional credit	17 N.J.R. 801(a)	R.1985 d.288	17 N.J.R. 1431(a)
13:43-3.5	Shorthand reporting licensees: change of address notification requirement	17 N.J.R. 801(b)	R.1985 d.289	17 N.J.R. 1431(b)
13:44-4.1	Veterinary medicine: training certificate fee	17 N.J.R. 383(a)		
13:44C-1.1	Audiology and Speech Language Pathology Advisory Committee: fees and charges	17 N.J.R. 1062(a)		
13:45A-9	Merchandise advertising: readopt rules	17 N.J.R. 678(a)	R.1985 d.256	17 N.J.R. 1323(b)
13:45A-16	Home improvement practices: readopt rules	17 N.J.R. 679(a)	R.1985 d.255	17 N.J.R. 1325(a)
13:45A-22	Kosher meat and poultry dealers: inspections and recordkeeping	17 N.J.R. 1241(a)		
13:45A-23	Deceptive watercraft repair practices	17 N.J.R. 680(a)		
13:46	Boxing Rules	16 N.J.R. 2962(a)	R.1985 d.284	17 N.J.R. 1432(a)
13:46-4.20, 5.26, -23	Boxing and wrestling standards of conduct	17 N.J.R. 55(a)	R.1985 d.164	17 N.J.R. 837(a)
13:48	Charitable fund raising	17 N.J.R. 1244(a)		
13:70-3.46	Thoroughbred rules: horsemen's bookkeeper account	17 N.J.R. 173(a)	R.1985 d.204	17 N.J.R. 1135(a)
13:70-6.53	Thoroughbred rules: qualification as New Jersey bred	17 N.J.R. 271(a)	R.1985 d.203	17 N.J.R. 1135(b)

(TRANSMITTAL 29, dated March 18, 1985)

PUBLIC UTILITIES—TITLE 14

14:1-5.2, 5.3	Filings with Board of Public Utilities	17 N.J.R. 802(a)		
14:3-7.12, 7.13	Discontinuance of service for non-payment of combined utilities	16 N.J.R. 2747(a)	R.1985 d.166	17 N.J.R. 974(a)
14:3-8.1, 8.2	Suggested formulae for extension of utility service	17 N.J.R. 174(a)	R.1985 d.202	17 N.J.R. 1136(a)
14:3-10.9	Petitions by solid waste collectors	16 N.J.R. 3292(b)		
14:9-6	Small water company takeover	16 N.J.R. 3419(a)	R.1985 d.182	17 N.J.R. 910(a)
14:17-6.8, 6.14, 6.17	CATV: system and stock transfers; rate increase filing procedures; public hearing requirement	17 N.J.R. 1062(b)		
14:17-18.1-18.3	CATV: common tariff rules	16 N.J.R. 2978(a)	R.1985 d.148	17 N.J.R. 839(a)
14:18-3.10	CATV installation: compensation for taking	17 N.J.R. 563(a)		
14:18-14	Pre-proposal: landlord compensation for installation of cable TV	16 N.J.R. 2069(a)		

(TRANSMITTAL 20, dated October 15, 1984)

ENERGY—TITLE 14A

14A:3-4.4	Energy Subcode: thermal efficiency standards	16 N.J.R. 2748(a)		
14A:20-1	Energy conservation planning and evaluation	16 N.J.R. 3293(a)		

(TRANSMITTAL 14, dated October 15, 1984)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
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STATE—TITLE 15

15:2-1.1, 1.3, 1.4	Commercial recording: expedited service	17 N.J.R. 897(a)		
15:2-1.5	Commercial recording: fee payment for expedited service	17 N.J.R. 898(a)		

(TRANSMITTAL 14, dated January 3, 1984)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

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